HOME OFFICE

SCOTTISH HOME DEPARTMENT

Health, Welfare, and Safety in Non-Industrial Employment

Hours of Employment of Juveniles

Report by a Committee of Enquiry

Presented to Parliament by the Secretary of State for the Home Department and the Secretary of State for Scotland by Command of his Majesty March 1949

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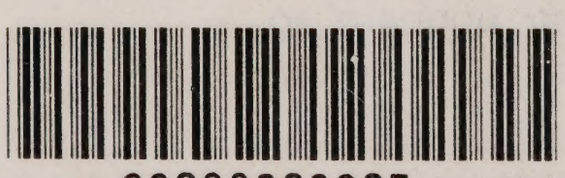

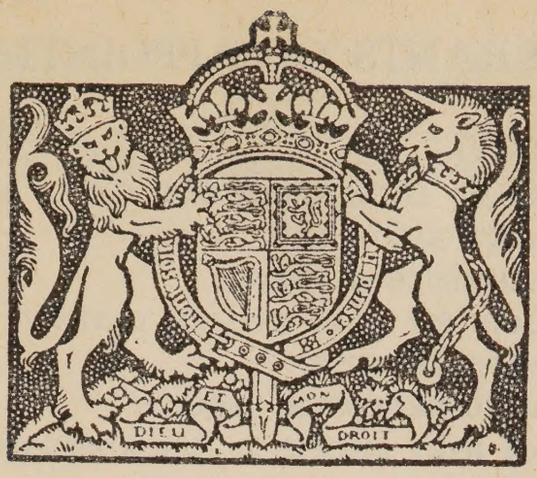

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WARRANTS OF APPOINTMENT

WE HEREBY APPOINT :

SIR ERNEST ARTHUR GOWERS, G.B.E., K.C.B.
*MISS ALICE BACON, M.P.
MRS. ELIZABETH CAMPBELL
†ALDERMAN SIR JOHN WILLIAM CATLOW
‡MISS MARY FERGUSON
NORMAN ILLINGWORTH, ESQUIRE
WILLIAM HART MACINDOE JACKSON, ESQUIRE
§MAJOR DUNCAN MCCALLUM, M.C., M.P.
THE LADY NATHAN
GEORGE RICHARD HODGES NUGENT, ESQUIRE
HARRY PLOWMAN, ESQUIRE
‖FLIGHT-LIEUTENANT EMRYS ROBERTS, M.P.
ANDREW JAMES SHINNIE, ESQUIRE, M.D., D.P.H.
JOHN STORRAR, ESQUIRE, M.C.
¶GEORGE SYMINGTON, ESQUIRE
and
MRS. BARBARA WOOTTON

to be a Committee

(1) To enquire into the provisions of the Shops Acts relating to closing hours (general or local) and to report as soon as possible whether any alterations are desirable.

(2) To enquire into and make recommendations as to extending, strengthening or modifying :—

(*a*) the statutory provisions relating to the health, welfare and safety of employed persons at places of employment other than those regulated under the Factories or Mines and Quarries Acts, and

(*b*) the statutory regulation of the hours of employment of young persons.

(3) To enquire into and make recommendations as to the machinery for enforcing statutory provisions within the scope of (1) and (2) above.

For the purposes of particular enquiries into specified branches or aspects of these matters the membership of sub-committees may be enlarged by the appointment by the Secretary of State of persons with specialised experience or qualifications.

And the Committee may present separate reports on any group of matters within the scope of (2) and (3) above.

And we further appoint Sir Ernest Arthur Gowers to be Chairman, and Mr. G. H. McConnell of the Scottish Home Department and Mr. R. L. Wynn-Williams of the Home Office to be Joint Secretaries of the Committee.

HOME OFFICE — J. CHUTER EDE
SCOTTISH OFFICE — J. WESTWOOD
1*st January*, 1946

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* Resigned 14th April, 1948
† Died 12th May, 1947
‡ Resigned 2nd December, 1946
§ Resigned 6th March, 1946
‖ Resigned 14th May, 1946
¶ Resigned 28th April, 1947

WE HEREBY APPOINT :

*William Smith Duthie, Esq., O.B.E., M.P., to be a member of the Committee in place of Major Duncan McCallum, M.C., M.P., who has resigned.

HOME OFFICE — J. CHUTER EDE
SCOTTISH OFFICE — J. WESTWOOD
April, 1946

WE HEREBY APPOINT :

Mr. A. B. Hume of the Scottish Home Department to be a Joint Secretary of the Committee in place of Mr. G. H. McConnell.

HOME OFFICE — J. CHUTER EDE
SCOTTISH OFFICE — J. WESTWOOD
4*th October,* 1946

WE HEREBY APPOINT :

David Low, Esquire, to be a member of the Committee in place of George Symington, Esquire, who has resigned.

HOME OFFICE — J. CHUTER EDE
SCOTTISH OFFICE — J. WESTWOOD
30*th June,* 1947

NOTE

The estimated cost of the preparation of this report and the interim report (including the expenses of the Committee) is £1,942, of which £480 represents the estimated cost of printing and publishing this report.

* Resigned 20th October, 1947

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HEALTH, WELFARE, AND SAFETY IN NON-INDUSTRIAL EMPLOYMENT; AND HOURS OF EMPLOYMENT OF JUVENILES

Final Report of a Committee of Enquiry

To the Right Honourable JAMES CHUTER EDE, M.P.,
His Majesty's Secretary of State for the Home Department,

and the Right Honourable ARTHUR WOODBURN, M.P.,
His Majesty's Secretary of State for Scotland.

REFERENCE

1 On the 1st January, 1946, we were appointed

(i) To enquire into the provisions of the Shops Acts relating to closing hours (general or local) and to report as soon as possible whether any alterations are desirable.

(ii) To enquire into and make recommendations as to extending, strengthening or modifying:—

(*a*) The statutory provisions relating to the health, welfare and safety of employed persons at places of employment other than those regulated under the Factories or Mines and Quarries Acts, and

(*b*) The statutory regulation of the hours of employment of young persons.

(iii) To enquire into and make recommendations as to the machinery for enforcing statutory provisions within the scope of (i) and (ii) above.

ECONOMIC SETTING

2 The gravity of Britain's economic difficulties during the years that we have been sitting has imported a certain unreality into our proceedings. We are considering conditions of employment in shops and offices at a time when the labour and materials necessary to improve them are not sufficiently available. We are considering proposals for shortening the hours of work of juveniles at a time when industry must devote all its energies to increasing output. We are considering the need for fresh legislation that could only be enforced by new or augmented inspectorates at a time when every available man and woman is wanted in productive employment. Some witnesses have gone so far as to deprecate in present circumstances even the preparation of plans for the future, on the ground that it is bound to be unsettling to the people concerned to know that proposals to benefit them are afoot

which are unlikely to be realised for some time to come. But we have assumed that we should be acting in accordance with your wishes if we nevertheless proceeded with our task, ignoring the factors that might make some of our recommendations not immediately practicable.

INTRODUCTION

3 On 30th January, 1947, we submitted in an interim report our recommendations on the law relating to the closing hours of shops. In this our final report we are concerned with the health, welfare, and safety of those gainfully employed in places other than factories, mines, and quarries, with the hours of work of juveniles in all forms of paid employment, and with the machinery for enforcing the law.

4 Since the date of our interim report we have met on 35 occasions, 22 of which were public sessions. We have also inspected some 22 different places of employment. Apart from general intimations through the Press that we should welcome evidence from any quarter, we invited an expression of views from upwards of 110 bodies directly interested in our work. In general the response was good. But in at least two spheres of employment, to which we shall refer later, some of those to whom we extended invitations did not respond. Here therefore the evidence is not as balanced or complete as we could have wished. In all we received 98 memoranda and we took oral evidence from 51 of the organisations with which we had been in touch. We desire to express our appreciation of the assistance thus given to us. Appendix D lists our sources of evidence.

5 We shall deal first with measures for securing the health, welfare, and safety of the non-industrial worker, leaving to the second and third parts of the report the hours of employment of juveniles and the machinery for enforcing the law. With this last we have included a review of certain aspects of the administration of the Shops Acts omitted from our interim recommendations because at that time we felt unable to gauge the full extent of the problems with which we were faced.

PART I

THE HEALTH, WELFARE, AND SAFETY OF EMPLOYED PERSONS AT PLACES OF EMPLOYMENT OTHER THAN THOSE REGULATED UNDER THE FACTORIES OR MINES AND QUARRIES ACTS

6 Non-industrial employment embraces a very large variety of occupations. In many of them the number of employed persons is extremely small. We have felt it impossible therefore within the compass of this report to attempt more than to examine in detail those occupations which absorb the greater part of the working population with which we are concerned. We have accordingly sub-divided our recommendations on health, welfare, and safety into seven sections covering respectively persons engaged in

Shops and Offices
Hotels, Restaurants, and the Catering Industry generally
Indoor and Outdoor Entertainment
Rail and Road Transport
Agriculture
Fishing and Shipping
Domestic Employment.

We have received some evidence about a number of occupations which cannot conveniently be brought within any of these categories, and we have therefore added an eighth section for these miscellaneous occupations.

Although our proposals throughout this part of the report are to be taken as applicable to adult and juvenile workers alike, there are certain points which we regard as especially important where juveniles are concerned. To these we refer in paragraphs 162-164.

SHOPS AND OFFICES

7 Shops and offices, we have been told, account for about eighty per cent. of all employed persons other than those engaged in industrial or domestic work, and it is to employment in this category that we have first applied ourselves. Our recommendations for shops must not be taken as referring to kiosks, stalls or mobile shops. Employment in them presents peculiarities which demand special examination, and we have therefore considered it separately at the end of the section.

THE EXISTING LAW

8 Provisions affecting the health, welfare, and safety of shop and office workers are to be found in a large number of statutes, local acts, by-laws, and regulations. The most important are the Public Health Act, 1936, the Public Health (London) Act, 1936, the Public Health (Scotland) Act, 1897, and the Shops Act, 1934. Of their many provisions which have some bearing upon our work we will do no more at this stage than indicate those which are of primary importance. The remainder we will consider in their appropriate places when dealing with specific items.

9 None of these measures defines an office, nor, so far as we have been able to discover, does any such definition exist in law. A shop, on the other hand, is defined in the Shops Act, 1912, and, for the purposes of the Act of 1934, the definition is extended so as to cover not only any premises where any retail trade or business is carried on, but also wholesale shops where goods are kept for sale wholesale to customers resorting to the premises and warehouses occupied by wholesale and retail traders for the purposes of their trade.

10 There has been no occasion for the law to define offices, because no legislation specifically directed towards them has so far reached the statute book. Between 1923 and 1936 eleven Office Regulation Bills were introduced into Parliament by private members, and on several occasions debates took place. Successive Governments however took the view that, subject to the clarification of certain points of detail and the inclusion of offices within the definition of " workplace ", the provisions of the existing Public Health Acts adequately met the intentions of the promoters of the bills. When public health legislation was consolidated in the Public Health Act of 1936, these points were clarified so far as England (except London) and Wales were concerned, and a workplace was defined in Section 343 so as to exclude a factory or workshop but to include any other place in which persons are employed otherwise than in domestic service.

11 But " workplace " is not defined in the corresponding London Act or in the Scottish Act of 1897—the latest Scottish legislation on the subject—although " house " is there defined as including a factory or other building where people are employed, and " factory " is defined as including a workshop and workplace. " Workplace " is interpreted in Scotland in a narrower sense than it is in England and Wales under the 1936 Act. The latest (1936) Office Regulation Bill defined " office " as including " any room, suite of rooms, or premises, wherein persons are employed to perform clerical, professional or technical duties, whether under a contract of service or otherwise ". In this report, without attempting a legal definition, we have taken offices to mean, in the main, premises in which persons are employed in clerical work, including book-keeping, filing, typing, multigraphing, machine calculating, and drawing.

The Public Health Acts

The direct provisions of these acts that are relevant to our present purposes relate mainly to sanitary accommodation and ventilation.

12 *Sanitary accommodation.* Sections 43-46 of the general act of 1936 give wide powers to local authorities in England and Wales to require the provision of suitable sanitary accommodation both in new and in existing buildings which are, or are likely to be, used as workplaces, and which do not come within the scope of Section 10 of the Shops Act, 1934. This accommodation must be " sufficient," and if it is likely that the premises will be used by both sexes, it must also be separate, suitable and sufficient for both sexes (unless in special circumstances the local authority think it proper to give a dispensation). These sections also empower local authorities to require the reconstruction or cleansing of lavatories which are in such a state as to be a nuisance or prejudicial to health.

Sections 105 and 106 of the Public Health (London) Act, 1936, contain somewhat similar requirements, but there is no provision for dispensing with separate accommodation for the sexes and, as we have already mentioned, workplace is not defined.

Section 29 of the Public Health (Scotland) Act, 1897, gives a local authority power to require the owner or occupier of any building in which persons are employed in any manufacture, trade or business to construct a sufficient number of lavatories for the separate use of each sex, and this power is reinforced in the case of five burghs by local acts under which the construction or alteration of buildings may be controlled, while in the other burghs several clauses of the Burgh Police (Scotland) Act, 1892, perform the same function.

13 *Ventilation.* Before we leave public health legislation for the moment, it remains only for us to turn to Section 92 of the Public Health Act, 1936. Here in a list of statutory nuisances is to be found any workplace " which is not provided with sufficient means of ventilation or in which sufficient ventilation is not maintained or which is not kept clean or kept free from noxious effluvia or which is so overcrowded while work is carried on as to be prejudicial to the health of those employed therein ". Similar provisions are contained in Section 16 of the Scottish act, and in urban areas town councils may, under the Burgh Police (Scotland) Acts, decline to allow the erection or alteration of buildings until they are satisfied with the proposals for ventilating them. The corresponding section of the London act (128 (1) (*b*) and (*c*)) is rather more detailed: it declares a workplace to be a nuisance " if it is not ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or if it is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein ".

Delegated legislation

14 *Powers under the Public Health Acts and the London Building Acts.* The powers of local authorities to legislate by means of by-laws cover a wider field, and have been extensively used. Section 61 of the general act covering England and Wales provides that every local authority may, and if required by the Minister of Health shall, make by-laws for regulating such matters as the construction of buildings and the materials to be used, the space about buildings, their lighting, ventilation, and sanitary accommodation, drainage systems, water supply, stoves, and other fittings. We have had it in evidence that the majority of English and Welsh local authorities (1,350 out of 1,440) either have made by-laws based on the models issued by the Ministry of Health or have local acts of Parliament which achieve the same results.

In London not only do the London Building Acts contain elaborate requirements governing the construction of buildings, but in addition the Public Health (London) Act allows the County Council, the Metropolitan Borough Councils, and the Common Council of the City of London to make by-laws covering a wide range of subjects.

In Scotland Section 187 of the 1897 Act, read in conjunction with Section 43 (1) of the Housing, Town Planning, etc., Act, 1919, requires local authorities, other than the councils of burghs, to make by-laws regulating building or rebuilding. In burghs the five local acts referred to in paragraph 12 and various provisions of the Burgh Police (Scotland) Acts, 1892-1903, give a similar measure of control.

The Shops Act, 1934

15 Section 10 of the Shops Act, 1934, contains a group of provisions designed to promote the health and comfort of shop-workers. It requires that, in every part of a shop in which persons are employed about the business of the shop, suitable and sufficient means of ventilation and of maintaining a reasonable temperature shall be provided, and that in fact suitable and sufficient ventilation and a reasonable temperature shall be maintained. Section 12 of the act strengthens the requirements of the Shops Act, 1912, as to seats for female assistants. The occupier of a shop is now required not only to provide one seat to every three female assistants but also to permit the seats to be used whenever their use does not interfere with the

assistants' work. A notice in a prescribed form that the seats are intended for the use of the assistants must be exhibited. The act also contains provisions about lighting, washing facilities, sanitary conveniences, and, where employees take any meals in the shop, facilities for the taking of those meals. Separate sanitary accommodation for the two sexes is not however prescribed, and the appropriate enforcement authority has power to exempt occupiers from the requirements to provide sanitary accommodation and washing facilities.

Some shortcomings of the existing law

16 There is thus already in existence a considerable body of law which is designed to promote the health and welfare of the non-industrial worker. But it has been represented to us that, wide though the powers under these acts undoubtedly are, present legislation falls short of what is wanted in several important respects. With the exception of Section 10 of the Shops Act, 1934, the main purpose of these measures is, we have been reminded, to safeguard the general well-being of the community as a whole, and not that of the worker in particular, so that even those provisions which are of direct concern to him are not framed in such a way as to give him really adequate safeguards. The interpretation of " workplace " is uncertain. There are no specific requirements as to lighting, temperature, or facilities for washing or for taking meals, all of which have a direct bearing on health. The general character of the acts, moreover, is negative rather than positive: that is to say, an impression is created (rightly or wrongly) that all the owner, occupier or employer has to do is to see that conditions are not so bad as to be a nuisance or actively prejudicial to health, and that local authorities have no power to intervene unless they are.

17 These arguments are reinforced in the case of London by the fact that it is doubtful whether under the Public Health (London) Act routine inspections of offices (as distinct from inspections based on specific complaints) can legally be carried out.

18 Nor can it be questioned that the requirements of the law lack precision. Even the Shops Act, 1934, Section 10 of which is entitled " Arrangements for the health and comfort of shopworkers ", deals only in generalities such as " suitable and sufficient ". How far greater precision is practicable is a difficult question, as will later appear. But it is one that ought to be examined.

The Factories Act, 1937

19 There is one important piece of modern legislation by means of which fairly detailed standards of safety and welfare have been brought into the working lives of a large section of the community. The Factories Act, 1937, itself a consolidation of, and improvement upon, a long line of earlier acts, is, with the regulations made under it, a model in its own field of what protective legislation can accomplish. Much of it, of course, is inapplicable to the two occupations with which we are immediately concerned, but much too, we think, can usefully be adapted to meet not only their needs but also those of other forms of non-industrial employment. In the following paragraphs, where we shall examine in detail specific items bearing directly upon the health and welfare of the shop and office worker, we shall have frequent occasion to refer to many of its provisions and to draw upon the experience which has been gained in the ten years during which it has been in operation.

20 **Sanitary accommodation.** In paragraphs 12, 14, and 15 we have seen that local and Shops Acts authorities are given wide, if somewhat indefinite, powers on this subject. Section 7 of the Factories Act is framed on similar lines, but there are additional requirements that effective provision must be made for lighting, maintaining and cleansing the conveniences. Furthermore subsection (2) of the same section gives the Secretary of State (now the Minister of Labour and National Service) power to define for any class or description of factory the meaning of " suitable and sufficient ". This power was exercised in S.R. & O. 1938, No. 611, where it was laid down that at least one suitable sanitary convenience must be provided for every 25 persons of each sex (any smaller number counting as 25) subject to modification in the case of a male staff exceeding 100 persons where urinals are supplied. In addition, there are provisions as to ventilation, privacy, and accessibility.

21 Some of our witnesses regarded the standard set by the Factories Act as lower than was consistent with modern ideas, and some suggested that the ratio should not be less than one convenience to every 15 employees of each sex. The Chief Inspector of Factories, on the other hand, gave it as the opinion of his inspectorate that the existing standard had been found in practice to be reasonable and satisfactory. To this opinion, backed as it is by long and widespread experience, we must attach great weight ; but we are not convinced that the present standard is one that should be regarded as satisfactory in all places and for all time. There is however a long way to go to reach even that standard, and we do not think it right at present to recommend more than that the factory requirements should, in general, be applied to shops and offices. Even so, to attempt an indiscriminate application of Section 7 and its attendant regulations to them might give rise to insurmountable difficulties.

22 While therefore we recommend that Section 7 of the Factories Act and the regulations made under it should be applied in general to all shops and offices, the enforcing authority should be given power, as in Section 10 (6) of the Shops Act, 1934, to exempt from these requirements premises where it is not reasonably practicable to carry them out. Difficulties of site or construction however should not be allowed to stand indefinitely in the way of conformity with the general requirements, and all exemptions should be re-considered by the enforcing authority at intervals of not more than five years with a view to their ultimate extinction. We think it would be unreasonable to require separate accommodation for the sexes in places where the number of employees does not exceed 6 or where they are all members of the same family.

With the exception of the class of property to which we refer in paragraph 23, there should be no great difficulty in applying Section 7 of the Factories Act, after a suitable period of grace, to existing blocks of small shops and offices. Compliance with the law should be possible by the provision of communal facilities for all employed within the block. In the case of new buildings it should be incumbent upon the authority to require, as a condition of permission to erect, the provision of sanitary accommodation to Factories Act standards for all persons likely to be employed upon the premises. We understand that this is already the practice of a large number of authorities.

23 We have been told that in certain urban areas of Scotland it is not uncommon for the occupiers of suites of offices in commercial buildings to be also the owners of the rooms they occupy. In such circumstances the legal and other difficulties they will be confronted with in their efforts to

secure the necessary communal or individual accommodation may be very great. The premises where this practice obtains are for the most part old, and, in the normal course of events, are due for replacement before long. Such buildings seem to us to be suitable objects of the enforcement authority's power of exemption, which might be exercised for periods not exceeding the estimated life of the premises, or, if present building difficulties persist, until rebuilding becomes practicable.

Space, Ventilation, and Temperature

24 *Space.* Space, ventilation, and temperature are closely allied, and measures affecting one affect the others. The Public Health Acts, as we have seen in paragraphs 12 and 13, are concerned with space only to prevent overcrowding, and deal with it in very general terms. Section 2 of the Factories Act, in addition to a proviso against overcrowding, requires a minimum of 400 cubic feet for each person employed in any room. For the purposes of this calculation in rooms more than 14 ft. high space above that height may be not taken into account.

25 Although several witnesses suggested to us that, in calculating the minimum space necessary for office workers, floor space occupied by furniture should be ignored, and the height above which space may not be taken into account should be reduced to 10 or 12 feet, we think that the standard set by the Factories Act, which in a modern office building means about 47 square feet of floor space for each employee, is a reasonable one, and should be applied to all offices, subject to a period of grace. A fixed standard will not of course be of uniform value. In offices visited by the public in large numbers it may sometimes prove rather illusory. But even here it may be beneficial, in agencies and messenger offices for instance, where employees work in confined spaces.

26 The case for the application of a similar standard to all shops is, in our view, equally strong. It is no doubt true that in most retail shops, both large and small, the ratio of cubic feet to employees in those parts of the premises to which the public normally have access is vastly greater than 400 to 1, and the assistant engaged in serving customers would derive little or no benefit from a provision of this kind. There are however parts of retail shops rarely if ever visited by members of the public, which are neither factories nor offices and in which it is sometimes difficult to classify the nature of the work being done ; there are too those wholesale establishments and warehouses which for the purposes of the Shops Act, 1934, are also shops.

In one respect only, we think, should the application of Section 2 (2) of the Factories Act to shops differ from its application to offices. Fittings, furniture and machines in shops, both retail and wholesale, are more bulky and extensive than ordinary office furniture and the space they occupy should be excluded when calculating the cubic capacity of a room.

27 *Ventilation.* The difficulties in the way of prescribing adequate standards of ventilation are recognised in the three Public Health Acts (paragraph 13), and Section 10 of the Shops Act, 1934, goes no further than to require that ventilation shall be suitable and sufficient. Section 4 of the Factories Act follows closely the text of the Public Health (London) Act in requiring effective and suitable provision to be made for maintaining adequate ventilation and for rendering harmless, as far as possible, all fumes, dust, and other impurities, but it also gives the responsible minister power to make regulations prescribing " a standard of adequate ventilation for factories or for any class or description of factory or parts thereof ". The power has not so far been used.

28 Our witnesses, both lay and medical, were unable to suggest more than that the provisions of the Factories Act should be applied to both shops and offices. We think that this is the most than can be done and we recommend accordingly. Measurements of air movement, and of the frequency of changes of air, as well as air-sampling, would be necessary if fixed standards were to be prescribed by law. These are all practicable operations in themselves, but they are highly technical and complicated, and unless they were taken over a long period and at varying hours of the working day, they could not be relied on to represent a true record of the state of affairs in the average shop or office, where conditions may change greatly almost from minute to minute.

29 *Temperature.* The only reference to temperature in the Shops Acts is contained in Section 10 (1) (*b*) of the 1934 Act, where it is laid down that " suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained ". Later in the act (Section 15) " suitable and sufficient " is defined as meaning " in relation to any shop or part of a shop suitable and sufficient having regard to the circumstances and conditions affecting that shop or part ". Section 3 of the Factories Act, besides prohibiting the use of any method of obtaining a desired temperature " which results in the escape into the air of any workroom of fumes of such a character and volume as would be likely to be injurious or offensive to persons employed therein ", enacts that " effective provision shall be made for securing and maintaining a reasonable temperature in each workroom " and that " in every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort, a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom ". Finally the section gives the responsible minister power to prescribe a reasonable temperature (which may vary the standard laid down in the act for sedentary work), to prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and to direct that thermometers shall be provided and maintained in such places and positions, as may be specified. This power has not so far been exercised, but some of the regulations for dangerous or unhealthy trades contain special provisions about the temperatures to be maintained.

30 A controversial topic of this kind might have been expected to produce wide differences of opinion among the witnesses who appeared before us. In point of fact the differences were small. Some representatives of clerical workers, it is true, favoured a uniform standard for all offices of 65° Fahrenheit, but others said that they would be satisfied with " adequate heating and other means to ensure proper temperature ", or some such expression as " suitable and sufficient ". The British Medical Association thought that the minimum temperature in all shops should be 60° Fahrenheit, subject to the exemption of certain kinds of food shops, etc. ; they also thought that no one should be required to work for more than four hours in a temperature in excess of 80°. Organisations representing retail trade preferred that no definite standard should be laid down, and, with many of the clerical workers, felt that " suitable and sufficient " was the most appropriate language to use. Almost all the witnesses however made it plain that, in recommending the avoidance of precise standards, they were moved solely by the difficulties which would be met in attempting to devise them.

31 That it would be desirable to fix a standard minimum temperature for shops and offices, capable of enforcement and acceptable alike to employers and their staffs is, we imagine, beyond dispute. The difficulties however are great—especially in shops. At the one extreme there is the open-fronted shop and at the other the departmental store. In the latter the problem, we have been assured by an engineer in one of them, is more often how to cool the premises rather than how to heat them. About open-fronted shops, we have questioned witnesses connected with retail trade, though not any who actually owned or were directly concerned with such places. These witnesses were not prepared to say that it would be justifiable, even with a period of grace, to require open-fronted shops to be totally enclosed, but it was their belief that there is a noticeable, though gradual, tendency for them to disappear. We have found nobody who could advance any sound reason for their continued existence.

32 Further obstacles in the way of our search for a solution of the problem of securing a proper temperature in shops have been the circumstances of the small and medium sized shop. In a departmental store, where the building is large and floor space plentiful, it is not a difficult matter in cold weather to conserve heat in the areas near the entrances and exits by means of double or revolving doors. Even where these are not provided, the general temperature of the store will almost certainly make good such losses of heat as occur when customers enter or leave. But in smaller establishments this is not so, and wide fluctuations of temperature must inevitably result; to require the small shopkeeper to provide double or revolving doors would place an intolerable burden upon him without any assurance that it would have the desired effect. We have also had to bear in mind that, if the law were to require a standard minimum temperature in shops, large scale exemptions would be necessary covering premises displaying a wide range of goods: many articles besides food deteriorate at temperatures comfortable for human beings.

33 We have therefore reluctantly come to the conclusion that it is not at present reasonable to require more of the occupier of a shop than that suitable and sufficient means shall be provided to maintain a reasonable temperature, and that a reasonable temperature shall be maintained (Section 10 (1) (*b*) of the Shops Act, 1934). Circumstances change however: cheap, simple and effective methods of controlling temperature may at any time be developed, and for this reason we think that the Secretary of State should have power to prescribe by regulation what in fact constitutes a reasonable temperature in any class of shop.

34 On the other hand a standard minimum temperature for offices seems to us to be a practicable proposal. Permanent open-fronted offices hardly exist, and small offices whose doors give direct access to the open air, and are in constant use, can only form an insignificant proportion of the total. Unlike work in a shop, work in an office is mainly sedentary, and a rather higher temperature is therefore desirable. Moreover in the average office there is no stock which is likely to be affected by temperatures a little higher than those which would be considered reasonable in the average shop. We therefore recommend that Section 3 (2) of the Factories Act should be applied to all offices. No evidence to suggest that any class of office should be exempt was put before us, but as there may be such cases the enforcement authority should have power to grant exemptions. These ought to be reviewed at short intervals.

35 **Lighting.** Before 1937, factory legislation contained no general rules about lighting—either natural or artificial—but by Section 5 of the present act, occupiers of factories must now make "effective provision . . . for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing." Subsection (2) of the same section gives the responsible minister power to prescribe by regulation standards of suitable lighting for any class or description of factory, for parts of factories, or for particular processes. This power was exercised in 1941 when the Factories (Standards of Lighting) Regulations were made. Without prejudice to the provision of any additional illumination necessary to make the lighting suitable and sufficient for the particular work which is being undertaken, the regulations lay down a minimum standard of general lighting expressed in terms of foot-candles, and also provide that, in relation to glare, the lighting shall be suitable. Subsection (4) requires occupiers to keep the inner and outer surfaces of all glass windows and skylights as clean as possible but allows them to be whitewashed or shaded to prevent glare or heat.

36 Factory lighting is thus covered in some detail both by the act itself and by the regulations made under it. But the shopkeeper need do no more than provide "suitable and sufficient means of lighting" and see that all parts of his shop where people are employed about the business of the shop are in fact suitably and sufficiently lighted. For offices there are at present no requirements beyond certain constructional ones in local acts, in by-laws made under the Public Health Acts, and in the London Building Acts.

37 About natural lighting our witnesses had little to say (except in relation to underground rooms, to which we shall refer in paragraphs 39-42) and we formed the impression that, save in buildings which were nearing the end of their useful lives, existing conditions were reasonably satisfactory. At least one organisation however suggested that Section 5 (4) of the Factories Act (*see* paragraph 35) should be made applicable to shops and offices, and with this suggestion we are in full accord. The evidence on artificial lighting, apart from disclosing an interesting divergence of views on the merits of fluorescent lamps, amounted to no more than advocating the retaining of the wording of Section 10 (3) of the Shops Act, 1934 (*see* paragraph 36), and of applying it to offices as well, giving at the same time power to the Secretary of State—as in the Factories Act—to prescribe by regulation standards for any class or description of shop or office. Again, as when discussing questions of heating, witnesses made it plain that they would prefer the law to lay down a definite general standard but felt that the difficulties were too great.

38 We recommend that the terms of Section 5 (4) of the Factories Act and of Section 10 (3) of the Shops Act, 1934, be applied to all shops and offices. Their occupiers would thus be required to keep the inner and outer surfaces of all glass windows and skylights as clean as practicable and free from obstruction, and to supply suitable and sufficient lighting in all parts of the premises where persons are employed. We consider that lighting is a field in which much can be done by education and persuasion. Good lighting is an investment which pays a handsome dividend to employers and does not benefit their staffs alone. Our talks with witnesses convinced us that this was widely recognised. We think that if, in the ordinary course of their duties, the enforcement authority's inspectorate were from time to time to take light-readings of the premises that they visit, and, with the standards required by the Factories Act in mind, were to make friendly

recommendations to employers, improvements would soon be apparent. An approach on these lines is preferable to an attempt to impose at once a minimum standard, necessarily couched in language difficult to understand, and capable of enforcement only by employing technical tests which, because of their unfamiliarity, are unlikely to gain the respect of those who might normally be expected to co-operate. In time, when such tests have become a commonplace, it may be possible to impose by regulations, with full support from the public, minimum standards for some classes of shops and offices.

39 **Underground rooms and rooms without access to natural light.** An underground room is defined in Section 53 of the Factories Act as " any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room." We heard no criticism of this definition. Most of our witnesses considered that such rooms should be used only for the storage of goods or for files and records of a type not requiring the constant attendance of staffs. The representatives of clerical workers were more emphatic in their condemnation of them, and thought that their use except as storerooms should be prohibited. When pressed to give reasons for these views, witnesses told us that more often than not underground rooms were damp, depressing, badly lighted, and badly ventilated, and that even if it was difficult to establish that they were prejudicial to physical health, psychologically those who worked in them were adversely affected by their surroundings.

40 Here, we think, there was some confusion of thought. During the war large numbers of underground rooms, totally unsuited to the purposes to which they were put, had perforce to be hastily adapted, with the limited means then available, to serve as offices, canteens, and workshops. Many no doubt possessed the undesirable features attributed to them by our witnesses, and it would be surprising if the memory of them did not colour their views. When asked whether they felt the same objection to underground rooms where the lighting, heating, and ventilation were all that could be desired, and whether they drew a distinction between underground rooms and windowless rooms above ground level which were wholly dependent upon artificial ventilation and lighting, some difference of opinion was apparent. But on the whole the evidence given on behalf of the employees indicated a bias in favour of access to natural lighting in all workplaces.

41 Medical opinion did not support the view that the use of underground rooms as workplaces is injurious to physical health, provided that they are free from damp, properly lighted, ventilated, and heated. Doctors were also inclined to discount the suggestion that a room of this sort is psychologically depressing merely because it is underground, and said that they knew of no figures to support it. But there is no doubt that many of these rooms are in fact depressing and probably do affect adversely some of those who have to work in them. There is no reason that we know of why this should necessarily be so. Skilful colour schemes and modern lighting are but two of the many devices that can be used to banish all suggestion of dreariness and depression. Little considered evidence was offered to us about rooms which, though above ground level, have no access to natural light. It is within our knowledge that in the United States of America, where air conditioning has been carried to high standards, such rooms are extensively used on account of the protection which they give from adverse external conditions.

42 We have come to the conclusion that the underground workplace and the underground room without natural lighting are not necessarily to be condemned, but safeguards against their indiscriminate use are necessary. Section 53 of the Factories Act provides, *inter alia,* that no work shall be carried on in an underground room which is certified by the inspector to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided. There are also provisions for the inspector to suspend the operation of his certificate for a reasonable period to allow the occupier to make the room suitable or to obtain other premises, as well as for the occupier to give notice to the inspector before the room is used for work for which it may be certified as unsuitable and for the occupier to appeal to a court of summary jurisdiction if he is aggrieved by the decision of the inspector. These requirements are in our view a proper precaution and should be applied in shops and offices not only to underground rooms but also to all rooms without natural lighting.

43 **Cleanliness.** The present law does not contain any direct provision about the cleanliness of shops and offices in general, apart from the sections of the Public Health Acts which declare workplaces that are not kept clean to be nuisances. The Food and Drugs Act, 1938, is concerned with cleanliness in food shops for the protection of the customer and not for the sake of the employees in the shop. The Factories Act (Section 1) requires every factory to be kept in a clean state, but also provides (*a*) that accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms and from the staircases and passages and (*b*) that the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method. The section goes on to prescribe the washing, white-washing or colour-washing of walls and ceilings at least once in every 14 months and their periodical repainting or re-varnishing if they are painted or varnished. Exemption in respect of any class of factory or parts of factories may be granted by the responsible minister.

44 We have been told that the experience of the factory inspectorate is that the duty to carry out a daily and weekly routine has proved of great value in helping to raise the standard of cleanliness in factories, and for the most part our witnesses were of opinion that the occupiers of shops and offices should be placed under somewhat similar obligations. We agree that the need for cleansing the premises at regular intervals is as great in shops and offices as it is in factories, but the practical difficulties of applying Section 1 of the Factories Act in its entirety are insurmountable. It would not be unreasonable however to apply part of the section to them. We therefore propose the occupiers shall be required to keep all shops and offices clean, that reasonable arrangements shall be made and carried out for the daily removal of dirt and refuse by suitable means from any rooms, stairs, passages, sanitary and other accommodation used by employees, and that the floors of all these places shall be cleaned at least once in every week by washing or some other effective method. The stage at which the cleansing and re-decoration of walls and ceilings is required in order to comply with the law is a matter which might well be left to the enforcement authority, having regard to the needs of individual premises.

45 **Washing facilities.** The Shops Act, 1934, requires that, save where a shop is exempted by the enforcement authority, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons employed in or about the shop. The Factories Act (Section 42) has

a similar provision but adds that soap and clean towels or other suitable means of cleaning or drying must be supplied and maintained, must be conveniently accessible, and must be kept in a clean and orderly condition. Section 13(1)(i) of the Food and Drugs Act, 1938, which applies to all premises where food for human consumption is prepared or exposed for sale prescribed that within reasonable distance of the workplace suitable washing basins and a sufficient supply of soap, clean towels, and clean water, both hot and cold, shall be provided for the use of persons employed in the room.

46 Washing facilities were a subject upon which our witnesses held strong views. They were all but unanimous that the onus of supplying soap and clean towels should rest upon the employer, although there were, it is true, a few suggestions that in practice the towels would be more likely to be clean if each employee were to provide his or her own, and that the chances of spreading disease would thus be lessened. It was pointed out by others however that roller towels of the self-rolling type should remove the dangers of infection. The main discussions turned upon whether or not it would be reasonable to require the provision of hot as well as cold water—in other words whether it would be reasonable to ask that Section 13(1)(i) of the Food and Drugs Act should be applied to all shops and offices. The London County Council, the British Medical Association and the Trades Union Congress were, with others, in favour of this course, and with this view we ourselves agree. No shops or offices, however small, ought to be without a supply of water or easy access to one, or without means of heating water or access to them, and it is an easy matter—even in the most primitive of establishments— to supply a bowl or basin and a clean towel. We recommend that the terms of Section 13(1)(i) of the Food and Drugs Act should be applied to all shops and offices. To this we would add that the facilities ought to be conveniently accessible and be kept in a clean and orderly condition. There can of course be no objection to the provision of communal accommodation in blocks of shop and office property provided that it is sufficient to meet the needs of all who are likely to work upon the premises.

47 **Accommodation for clothing.** Some witnesses, for the most part those representing clerical workers, told us that they thought it undesirable for employees to have no option but to hang wet outdoor clothing on ordinary hooks and pegs in the rooms in which they worked, and suggested that the provision of some form of locker or cloakroom accommodation should be compulsory. If lockers were provided, they said, employees should be given keys, and if the size of the undertaking warranted the existence of special cloakrooms, attendants should be engaged to prevent pilfering, or workers would not use the facilities provided. The British Medical Association thought that Section 43 of the Factories Act ought to be incorporated in any new shop and office legislation. This section requires that adequate and suitable accommodation for clothing not worn in working hours shall be provided, and that, in the absence of any prescribed standard of accommodation, such arrangements as are reasonably practicable shall be made for drying such clothing. As well as having the power to prescribe standards, the responsible minister may also authorise exemption in cases where it would be unreasonable to require compliance.

The terms of the section are elastic enough, we think, to be capable of being applied to shops and offices in general and should be adopted. The power to grant exemptions should be exercised by the enforcement authority.

48 **Seats.** Here there are two different things to consider: seats for occasional use for rest where work is done standing, and seats for use at work where the employee is normally seated.

Section 3(1) of the Shops Act, 1912, as amended by Section 12 of the Shops Act, 1934, requires the occupier of a shop to provide seats in each room in which female shop assistants are employed, in the proportion of one seat to every three female assistants, to allow these assistants to use the seats whenever their work permits, and to exhibit notices in a prescribed form that the seats are there for them to use. The Factories Act (Section 44) provides that all female workers whose work is done standing are to have " suitable facilities for sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment ".

49 We understand that the requirements for seats in shops have proved to be satisfactory as far as they go, in spite of some doubts whether step-ladders, crates and similar objects can properly be regarded as seats. But we do not see why male assistants should not have the same facilities for sitting down. We think too that the same provisions should be extended to employees in offices who have to do most of their work standing.

50 Turning now to the other aspect of this subject, we find that Section 6 of the Factories Act of last year, which will come into force in October, 1950, not only extends to male factory workers the terms of Section 44 of the 1937 Act, but adds to that section a requirement that where a substantial proportion of any work can properly be done sitting, suitably designed and constructed seats shall be provided and maintained and that the seats shall be fitted with a foot-rest on which the employee " can readily and comfortably support his feet if he cannot do so without a foot-rest." It also requires arrangements to be such that the seat is adequately and properly supported while in use for the purpose for which it is provided. These provisions go further than we think necessary in non-industrial employment and we would suggest in lieu of them a requirement that seats provided for employed persons whose work is done sitting should be suitable as regards height and in other respects for the carrying on of work without undue strain or fatigue.

51 **Dangerous machinery.** We heard some evidence about the dangerous nature of certain types of machinery commonly used in grocers' and other food shops ; special reference was made to bacon-cutters, fruit-stoners, mincers, and coffee grinders. No comprehensive accident statistics are available. We formed the impression that, if account is taken of the very large number of machines in use, the accident rate is low. Nevertheless we think it would be only reasonable to require that all dangerous machines, whether in shops or offices, should be fitted with protective devices and maintained to Factories Act standards.

52. **First-Aid.** Almost all our witnesses were of opinion that it would be reasonable to require a first-aid box to be kept in shops and offices. Some witnesses, including the British Medical Association, suggested that Section 45 of the Factories Act should be applied to them. This section requires the provision and maintenance, in the charge of a responsible person, of a readily accessible first-aid box or cupboard, and of more than one where more than 150 persons are employed. Where there are more than 50 employees, the person in charge of the box must be trained in first-aid treatment and be readily available during working hours, and his or her name must be exhibited in every workroom. Exemption from these provisions can be granted in undertakings where an ambulance room is provided.

53 The number of accidents in shops and offices is small, but so also is the cost of supplying and maintaining a first-aid box. It is not unreasonable, we think, to regard it as every employer's duty to have readily available facilities for the prompt treatment of any accidents that may occur. We therefore recommend that all occupiers of shops and offices should be required to provide and maintain a suitably equipped first-aid box or cabinet.

54 **Rest rooms.** There was some advocacy of legislation to require the larger shops and offices to provide rest rooms which employees (especially women and girls) could use when unwell. In point of fact many places are already so equipped, and we would prefer to see the suitable extension of this practice accomplished by education, propaganda, and example rather than that the law should attempt it. The point at which a rest room becomes a necessity is not capable of precise definition applicable to all sorts of shops and offices.

55 **Facilities for meals.** This was a topic upon which the evidence offered to us was very varied. The London County Council took the view that shopkeepers should be obliged to provide " suitable and sufficient " facilities only where employees are directed to take meals on the premises: where they are merely permitted to do so it should be enough to make such arrangements for their comfort as are reasonably practicable: these would include privacy from customers, a chair and a table, but not necessarily heating or cooking arrangements. The National Association of Local Government Officers thought there should always be " suitable " facilities for meals and canteens if the staff numbered more than 250 and asked for them. Where there were no canteens, there should be a separate place (not necessarily a separate room) with chairs and tables apart from the place of work. The Sanitary Inspectors' Association wished to see Section 10 (5) of the Shops Act, 1934, extended so as to require, if the local authority saw fit, the provision in each shop or office of facilities for the preparation and cooking of food to be consumed on the premises by employees. The Multiple Shops Federation thought that, where six or more persons were employed, a room and facilities for heating food should be provided, and, where staffs exceeded 24 in number, there should be a canteen. By " canteen " they told us they meant a room with tables, chairs, and gas stove etc., but not necessarily a service of meals cooked by paid labour.

56 These examples illustrate the variety of our witnesses' views. Turning to the law as it stands at present, we find that Section 10 (5) of the Shops Act, 1934, requires that " where persons employed about the business of a shop take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals." (In a Home Office memorandum on the act it is pointed out that this does not necessarily mean that a separate mess room is to be provided). The Factories Act contains a general requirement that there must be at suitable accessible points an adequate supply of wholesome drinking water with the necessary facilities for making use of it. The act also prohibits the taking of meals in rooms where dangerous or poisonous processes are carried on and requires in these circumstances suitable provision for meals to be taken elsewhere in the factory. These are the only direct provisions about facilities for meals, but " arrangements for preparing or heating, and taking, meals " are amongst the matters which may be dealt with by welfare regulations made by the responsible minister for particular factories or classes of factory. This power has existed since 1916 and has been extensively used.

57 Here once more we are faced with a difficult problem owing to the widely differing circumstances which exist in shops and offices. We do not think it unreasonable to require the occupiers of all shops and offices to maintain either on the premises or conveniently nearby an adequate supply of wholesome drinking water, nor should the occupier of an office whose employees take their meals in it be exempt from the obligation already placed on the shopkeeper to provide and maintain suitable and sufficient facilities for the taking of those meals. More than this we do not recommend.

58 **Lifts and hoists.** There are at present no statutory requirements designed to prevent lift and hoist accidents in non-industrial premises. In factories, Section 22 of the 1937 Act provides an elaborate code of safety regulations, the wisdom of which we do not question. We think it inappropriate however to make any recommendations here. Lifts in non-industrial premises are used by not only the employees but the general public as well, and legislation, if it is necessary, should apply to both alike and to premises of every class and description. This would take us far beyond our terms of reference.

59 **Escape from fire.** Precautions against fire and its consequences fall under two headings—constructional and operational. By " constructional " we mean the selection of the material with which the premises are built, the design, the method of building, the provision of hydrants and other fire-fighting equipment, of suitable storage room for dangerous or inflammable things normally kept on the premises, and of aids to escape. We regard " operational " as covering the instruction of staffs in the best methods of escape from any position in the building, the keeping free from obstruction of passages giving access to the principal points of egress, and the arrangement of fittings and furniture in rooms in such a way that doors and windows can be quickly and easily opened.

60 On the constructional side we have no recommendations to make. There are already adequate powers under existing statutes, by-laws, and regulations to make all proper provision for this aspect of the matter. But on the operational side there are several requirements in the Factories Act which could with advantage be incorporated in future shop and office legislation. It is provided in Section 36 (1) that while any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such a manner that they cannot be easily and immediately opened from the inside. Subsection (8) of the same section requires the contents of any room in which persons are employed to be so arranged that there is a free passage-way for all persons in the room to a means of escape in case of fire. Both these provisions should be applied to all shops and offices.

61 It is laid down in Section 37 (1) of the act that " Where in any factory more than 20 persons are employed in the same building above the first floor or more than 20 feet above ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use, and with the routine to be followed in case of fire." This too we think should be applied to shops and offices, but, as the design of many shop and office buildings is more complicated than that of factories usually is, we suggest

that " 10 persons " should be substituted for " 20 persons," and there seems to be no good reason to confine the section to employees above the first floor or more than 20 feet above ground level. In many old buildings, some of the windows of which are often barred, it is only too easy in an emergency to lose one's way at ground level ; and in new buildings there are often extensive basements and basement passages which are confusing to those who do not know them.

62 **Prohibition of the employment of women before and after childbirth.** Some representations have been made to us that shop and office legislation of the future should contain provisions prohibiting the employment of women for a fixed period before and after childbirth. This accords with the view of the British Medical Association, who favoured complete prohibition for a period of 6 weeks before and 7 weeks after confinement. Other witnesses suggested that the prohibition should be for 4 weeks after confinement only.

63 Section 157 of the Factories Act in conjunction with the first paragraph of Part II of the Third Schedule (which is applicable to London and Scotland only) declares it to be an offence if the occupier of a factory knowingly employs a woman or girl within 4 weeks after she has given birth to a child. We think that it should also be an offence to employ a woman or girl in a shop or office within a certain period after confinement, and the proper period seems to us to be the 7 weeks suggested by the British Medical Association, which is the period during which maternity benefit is payable after confinement under the new National Insurance Act. The Association's suggestion that prohibition of employment should be extended to a period of 6 weeks before confinement hardly seems to us a practicable one.

64 **Lifting of excessive weights.** Representations have also been made to us by organisations of shop and clerical workers that women should be forbidden to lift excessive weights. The witnesses were however unable to suggest what, if any, should be specified. Section 56 (2) of the Factories Act gives the responsible minister power to make special regulations prescribing maximum weights which may be lifted, and these regulations may apply to employees generally, to any class of employees, or to employees in any class or description of factory. The power has not so far been exercised, but regulations affecting the pottery, woollen and worsted, and flour milling trades have been made under the general power now contained in Section 60 (1) of the same act to make special regulations for safety and health.

65 Safety Pamphlet No. 16 (Weight Lifting by Industrial Workers) issued by the Ministry of Labour and National Service sets out a table of suggested maximum loads for women and young persons in industry, but work in shops and particularly in offices is not of a kind which readily lends itself to control in this way and we do not recommend that any specific provision for women and young persons should be made by law on the lines suggested by our witnesses. But we think there should be power to make specific provision by regulation for particular employments as there is under the Factories Act.

KIOSKS, STALLS, AND MOBILE SHOPS

66 We come now to consider kiosks, stalls, and mobile shops, all of which, as we said at the beginning of our report, we have regarded as being outside the recommendations made in the foregoing paragraphs, on the ground that employment in them presents features peculiar to itself.

67 The growth of the kiosk in urban areas (as distinct from seasonal booths at holiday resorts) is largely a feature of the years between the wars. The ever-increasing cost of land and high rateable values have no doubt much to do with its popularity. Formerly it was common only at railway stations, where the assistant in charge of it was (and still is) regarded almost as one of the railway staff and shared with them such amenities as the station could provide. Today kiosks abound in the principal thoroughfares of large towns on sites which, while physically connected perhaps with blocks of shop and office property, are entirely self-contained. The assistant in charge of the kiosk is wholly isolated, and exposed to the weather throughout his spell of duty.

68 Kiosks and fixed stalls, if used for retail trade, come within the existing definition of a shop as being " premises where retail trade is carried on ", and the definition we have suggested of offices would cover kiosks used for business other than retail trade. It follows that, in terms, our recommendations about shops and offices apply to kiosks and fixed stalls. We think it is right that they should. Even if it were practicable to draw a line between kiosks and lock-up shops we should not be prepared to put forward a code of lesser measures to meet the greater need of the assistant in the kiosk. At the same time we must recognise that it will be generally difficult and often impossible to apply the ordinary standards to kiosks and fixed stalls and that they cannot be abolished out of hand. We therefore recommend that the local authority should be given discretion similar to that conferred by Section 10 (6) of the Shops Act, 1934, which gives them power to grant exemptions as respects sanitary and washing facilities " by reason of restricted accommodation or other special circumstances ", if satisfied that suitable and sufficient facilities are otherwise conveniently available. But we also recommend that all such exemptions should be kept under periodic review with a view to the ultimate elimination of all kiosks and fixed stalls where a reasonable standard of welfare cannot be secured.

69 We do not think it necessary to include also seasonal booths at seaside resorts and movable stalls or barrows used for street trading. Persons so employed have greater freedom of movement than assistants in kiosks. It is true that a movable stall or booth, and even a vehicle, may come within the definition of a shop if regularly used on the same site, and difficulties of definition may make it impossible to exclude all such places from the scope of legislation. But the power of exemption we have proposed can be used freely in such cases.

Vehicles used for carrying on retail trade, but not regularly occupying any accustomed site, are commonly known as " mobile shops ", but are certainly not shops within the meaning of the act.

SUMMARY OF RECOMMENDATIONS

70 Before we pass to the next section of our report it will be convenient to summarise briefly the recommendations that we have made in the preceding paragraphs. Many are made in the full knowledge that it will be necessary in any consequent legislation to allow a period of grace during which owners or occupiers of shop and office property can adapt their premises to comply with the law. Except where indication to the contrary is given, the recommendations apply equally to shops and offices.

Sanitary accommodation. All premises to be subject to legislation on the lines of Section 7 (1) of the Factories Act and of the Sanitary Accommodation Regulations, 1938, but the enforcement authority to

have power to grant exemptions which should be re-considered at intervals of not more than 5 years with a view to their ultimate extinction. No new shop or office property to be erected which does not comply with these standards. (*Paragraph 22.*)

Space. A minimum of 400 cu. ft. per person to be provided in every room in which employees are required to work. In the case of shops, both wholesale and retail, this space to be computed after deducting space occupied by furniture, fittings, and machines. (*Paragraphs 25 and 26.*)

Ventilation. Effective and suitable provision to be prescribed by the adoption of Section 4 (1) and (2) of the Factories Act. (*Paragraph 28.*)

Temperature. Wholesale and retail shops to remain subject to the existing law as contained in Section 10 (1) (b) of the Shops Act, 1934, and, in addition, the Secretary of State to have power to prescribe by regulation what in fact constitutes a reasonable temperature in any class of shop. All offices to be subject to Section 3 (2) of the Factories Act with power to the enforcement authority to grant exemptions which should be reviewed at frequent intervals. (*Paragraphs 33 and 34.*)

Lighting. Suitable and sufficient means of lighting to be prescribed by the application to both shops and offices of the terms of Section 5 (4) of the Factories Act and Section 10 (3) of the Shops Act, 1934. (*Paragraph 38.*)

Underground rooms. The use of underground rooms as workplaces to be restricted by legislation on the lines of Section 53 of the Factories Act. (*Paragraph 42.*)

Cleanliness. A reasonable standard of cleanliness to be prescribed by the adoption of Section 1(*a*) and (*b*) of the Factories Act and by empowering the enforcement authority to prescribe the stage at which cleansing and re-decoration of walls and ceilings must be carried out in order to comply with the law. (*Paragraph 44.*)

Washing facilities. Washing facilities to the standard prescribed by Section 13(1)(i) of the Food and Drugs Act, 1938, to be supplied or made available by all employers : such facilities to be conveniently accessible and to be kept in a clean and orderly condition. (*Paragraph 46.*)

Accommodation for clothing. Adequate and suitable accommodation to be required by the adoption of Section 43 of the Factories Act. (*Paragraph 47.*)

Seats

(a) *For occasional use for rest when work is done standing.* Facilities as in Section 44 of the Factories Act to be provided for workers of both sexes. (*Paragraph 49.*)

(b) *For use at work when the employee is normally seated.* Seats to be suitable as regards height and in other respects for the carrying on of work without undue strain or fatigue. (*Paragraph 50.*)

Dangerous machinery. All dangerous machines to be fitted with guards and maintained to Factories Act standards. (*Paragraph 51.*)

First-Aid. Suitably equipped first-aid boxes or cabinets to be maintained in all premises. (*Paragraph 53.*)

Facilities for meals. An adequate supply of wholesome drinking water to be maintained either on the premises or conveniently nearby. Occupiers of offices whose employees take their meals at their places of employment to be subject to the same obligations as are the occupiers of shops under Section 10 (5) of the Shops Act, 1934. (*Paragraph 57.*)

Escape from fire. All premises to be subject to Sections 36(1) and (8) and 37(1) of the Factories Act, but Section 37(1) to be operative where more than 10 persons are employed and be applicable to any floor of a building irrespective of its distance from ground level. (*Paragraphs 60 and 61.*)

Prohibition of the employment of women after childbirth. The employment of women within 7 weeks after confinement to be an offence. (*Paragraph 63.*)

Lifting of excessive weights. The Secretary of State to have power to make regulations prescribing maximum weights to be lifted by women. (*Paragraph 65.*)

Kiosks and stalls. Local authorities to have powers to exempt kiosks and stalls from the general requirements applicable to other shops but such exemptions to be frequently reviewed with the object of eliminating premises where a reasonable standard of welfare cannot be secured. (*Paragraph 68.*)

HOTELS, RESTAURANTS, AND THE CATERING INDUSTRY

THE EXISTING LAW

71 Excluding matters which are within the province of the Catering Wages Boards and outside our terms of reference, the only existing legislation specifically directed towards promoting the health, welfare, and safety of workers in the catering industry who are not employed in factories is contained in Section 10 of the Shops Act, 1934, to which we referred in paragraph 15. This section however is confined to those employed in establishments which can be classified as shops, i.e., restaurants, bars, and the kitchens, etc., attached to them, where the sale of articles of food and drink is not confined to persons resident on the premises. Thus a substantial part of the industry is outside its scope and can only rely upon the Public Health Acts and Section 13 of the Food and Drugs Act, 1938, both of which are, as we have already seen, measures primarily designed for the protection of the general public.

THE EVIDENCE

72 The detailed evidence put before us has tended to concentrate upon the conditions in catering establishments and suggestions for improving them rather than upon the circumstances of the worker in the hotel whose employment is unconnected with the restaurant and its allied services. We shall make proposals for both sections of the industry, but the weight of the evidence which we have heard and read must inevitably be reflected in our recommendations.

The T.U.C. on behalf of workers employed in many hotels and catering establishments asked that provisions similar to those contained in the Factories Act should be applied wherever possible. The Caterers' Association of Great Britain, whose membership includes proprietors of hotels, did

not dissent from this as a broad proposition, but questioned the practicability of applying some of the provisions, and stressed the need for a reasonable degree of flexibility and for a period of grace where structural alterations to buildings would be necessary. We shall now examine the specific points which have emerged from the evidence and we think that it will make for simplicity if we consider them as far as possible in the same order as in the case of shops and offices.

CONSIDERATION OF SPECIFIC ITEMS

73 **Sanitary accommodation.** The T.U.C. asked that sanitary accommodation should be provided on the same basis as in factories, namely one suitable sanitary convenience for every 25 persons of each sex. The Caterers' Association said that it would be impossible to achieve this standard in many of the older and smaller catering establishments. We understand that in such places it is not uncommon for the staff to use the facilities provided for the customers, a practice to which we can see no objection provided that the facilities are adequate for the needs of both and are in fact at all times available to the staff. We therefore recommend that the enforcement authority should be required to satisfy themselves that in any hotel or other catering establishment the sanitary accommodation provided is adequate for the needs of the staff, taking into account the particular circumstances of each case.

74 **Ventilation.** The Caterers' Association thought that the occupiers of many catering establishments would have difficulty in complying with any specific standards of ventilation which might be prescribed by law. However that may be, there can be little doubt that it is at least as difficult to determine standards for hotels and restaurants as it is for factories and other workplaces. As in the case of shops and offices (paragraph 27) we recommend no more than that the terms of Section 4 of the Factories Act should be applied to the types of premises which we are now considering.

75 **Temperature.** All our witnesses agreed that in existing buildings it would not be reasonable to recommend precise upper and lower limits beyond which the temperature should not be allowed to rise or fall, although the Caterers' Association thought that in new buildings it might be possible to comply with defined limits. A reasonable temperature is normally maintained in the parts of a catering establishment used by the general public, and we think that it will be enough, so far as minimum temperatures in the staff quarters are concerned, if employers have to conform to the terms of Section 10(1)(*b*) of the Shops Act, 1934, which requires that suitable and sufficient means shall be provided to maintain a reasonable temperature and that a reasonable temperature shall be maintained.

As regards kitchens, bakehouses etc., the British Medical Association were of opinion (paragraph 30) that no one should be required to work in a temperature of 80° or more for periods in excess of 4 hours. Much as we should like to make a recommendation on these lines, the difficulties of observing it would make it unreasonable. But future developments of cheap and simple heat control may remove the difficulties; so we recommend that the responsible minister should have power to prescribe by regulation what in fact constitutes a reasonable temperature in any workplace maintained in any branch of the hotel and catering industry.

76 **Lighting.** The T.U.C. stated in evidence that the lighting of the working quarters of many catering establishments and hotels was very bad. The witnesses representative of employers said that, apart from difficulties due

to temporary shortages of materials, it should be possible to attain standards comparable to those existing in factories. We have already stressed the importance of good lighting in shops and offices, and the need for it in the working quarters of the hotel and catering industry is no less. We therefore recommend that Section 5(4) of the Factories Act and Section 10(3) of the Shops Act, 1934, should be applied to all such workplaces. These measures, as we pointed out in paragraph 38, require occupiers to keep the inner and outer surfaces of all glass windows and skylights as clean as practicable and free from obstruction and to supply suitable and sufficient lighting in all parts of the premises where persons are employed.

77 **Underground rooms.** We have been told by witnesses that it is a common practice to provide dressing room, rest room, and other accommodation for the staffs of hotels and restaurants in basements which no doubt cannot ordinarily be readily adapted for use by the general public. Many of these rooms, it is said, are unsatisfactory, and we have been asked to recommend that their use for these purposes should be prohibited. In paragraphs 39-42 we reviewed in some detail the question of underground rooms in shops and offices: we pointed out that much of the prejudice against them arose from avoidable defects in lighting, heating, ventilation, and decoration, and said that if proper attention was paid to these matters their use was not necessarily to be condemned: finally we recommended that Section 53 of the Factories Act (the terms of which we set out in paragraph 42) should in every case be applied to them. We see no reason to prescribe more rigid conditions for underground rooms in hotels and restaurants than in shops and offices and we therefore extend our recommendations to cover this class of room as well.

78 **Cleanliness.** Section 13 of the Food and Drugs Act applies to all rooms in which the preparation and sale of food (other than milk) for human consumption takes place, and we are satisfied that, although designed to safeguard the consumer and not the employee, its terms do in fact provide adequate amenity for those who work in such places. As regards the staff rooms, passages, and other spaces in hotels and restaurants which do not come within its scope but which are used by employees in the ordinary course of their work, we think that adequate cleanliness will be ensured by applying to them the requirements which we have recommended for shops and offices in paragraph 44. In the main these are the terms of Section 1(*a*) and (*b*) of the Factories Act.

79 **Washing facilities.** We have received complaints that in many hotels and restaurants washing facilities for members of the staff are inadequate. On the employers' side it has been suggested that if, without a long period of grace, the law were to demand a high standard in this respect, acute constructional difficulties might arise in many small catering establishments. We are however inclined to think that the difficulties in the way of securing substantial improvements are not so great as might at first appear. In the smaller restaurants it is likely that the greater part of the premises is subject to the Food and Drugs Act and that there are already in existence washing facilities up to the standard required by the act. This being so, it should not, we think, be impracticable to arrange for those employees whose work lies outside the scope of the act—presumably few—to make use of the facilities already there. In the case of the larger restaurants and hotels it is clear that constructional difficulties are less formidable. We have already recommended that Section 13(1)(i) of the act should apply to all shops

and offices, and we think there is a case for applying it also to all parts of all restaurants and hotels which are not already subject to the whole act and which are used by staffs during the course of their employment.

80 **Changing rooms and accommodation for clothing.** The witnesses who represented employees made strong representations to us that in many places changing room and locker accommodation was either non-existent or very poor. The problem is one which differs somewhat from that in shops and offices in that almost all workers in the hotel and restaurant trades are required to change, or do in fact change, before beginning their duties, and separate changing room accommodation for the sexes does not seem an unreasonable demand. There is no doubt however that in many catering establishments as they exist today even the simplest facilities could not be provided without sacrificing space to an extent which would make it uneconomic to continue trading. In these circumstances we think that the only practicable course is to require the enforcement authority to satisfy themselves that in each particular case the facilities for changing are suitable and sufficient. With regard to locker accommodation we think that, as in the case of shops and offices (paragraph 47), the terms of Section 43 of the Factories Act should be applied. These, as we have already seen, require adequate and suitable accommodation to be provided, and, in the absence of prescribed standards, such arrangements to be made as are reasonably practicable for the drying of clothing not worn in working hours. The responsible minister should have power to prescribe standards and the enforcement authority power to grant exemptions.

81 **First-Aid : escape from fire : prohibition of the employment of women after childbirth : lifting of excessive weights.** The T.U.C. made representations to us about the supply of first-aid equipment. We think that the recommendation that we made in paragraph 53 that a suitably equipped first-aid box or cabinet should be provided ought to be applied to all hotels and catering establishments, whatever their size. About escape from fire, prohibition of the employment of women after childbirth, and the lifting of excessive weights we have received no evidence ; nevertheless we have no reason to suppose that the measures which we have proposed for shops and offices in paragraphs 60, 61, 63 and 65 would be unsuitable here, and we recommend that they should be applied to the hotel and catering industry as a whole.

82 **Dangerous machinery.** In recent years hotel and restaurant equipment has become increasingly mechanised. Some of the machines in use are dangerous and of types which would be compulsorily fitted and maintained with adequate guards if they were installed in a factory. Many are actually so equipped but not all ; and we are of opinion that, as in the case of shops and offices, it should be obligatory to equip and maintain all such machines in all hotels and catering establishments to full Factories Act standards.

83 **Rest rooms.** We were asked by some witnesses to recommend that it should be compulsory to provide suitably equipped staff rest rooms. Our attention was drawn to the large number of employees in hotels and restaurants who work split tours of duty and who, if non-resident, may have nowhere to spend the time between. But circumstances differ so widely that we do not think it would be possible to frame any general requirement which would meet genuine needs without imposing heavy and unnecessary burdens upon a large number of businesses. In considering this question in relation to shops and offices we said in paragraph 54 that we preferred to see the provision of rest rooms extended by education, propaganda, and

example rather than by law. Although we should have liked to make some specific recommendation to meet the case of split tours of duty, we do not see our way to doing so and must leave the subject here as we left it there.

84 **Facilities for taking meals.** In considering what facilities for the taking of meals should be provided for the staffs of hotels and catering undertakings we are once again faced with the difficulties which arise from the very wide variation of circumstances. We have received complaints that in some places facilities are non-existent or very primitive: on the other hand there are many establishments where the arrangements made for the staffs to take their meals leave nothing to be desired. The difference between the small cafe and the large restaurant or hotel is too great to admit of any precise statutory requirement applicable to both. It is however now obligatory, under regulations made by the Catering Wages Commission, for many employees in the catering industry to receive meals during their spells of duty or cash payments in lieu. We think the law should provide that where employees take their meals upon the premises the facilities provided must be suitable and sufficient having regard to the circumstances of each particular case.

85 **Application of recommendations to workers in public and private institutions.** In the foregoing paragraphs we have referred only to workers in hotels and restaurants, but we think our recommendations might also be applied to those similarly engaged in hospitals, nursing homes, schools, and other public and private institutions. Special considerations affect employment in the home however and preclude the application of our recommendations to workers in private households. These we shall consider in a later section.

INDOOR AND OUTDOOR ENTERTAINMENT

86 We were surprised to find that, notwithstanding the importance of the entertainment industry as a source of employment and income to a substantial section of the population, the evidence offered to us was meagre. It related almost wholly to two branches of the industry—the theatre and greyhound racing. In the absence of other evidence we must confine our observations to these forms of entertainment. Whether any measures that we propose should be applied to other sections of the entertainment industry we cannot say.

THE THEATRE

THE EXISTING LAW

87 In England and Wales under the Theatres Act, 1843, licences are required for all premises used for the public performance of stage plays unless they are theatres kept open under the authority of Letters Patent, of which two only—Covent Garden and Drury Lane—exist to-day. By the terms of Section 7 of the Local Government Act, 1888, the licensing authorities are the county and county borough councils except in certain areas of the County of London and in the Borough of New Windsor. Under Section 28 of the same act a county council may delegate their powers to a committee of themselves, a borough or district council or to the justices in petty sessions, and a county borough council may delegate them to a committee of themselves or to the justices in petty sessions. In the cities of London and Westminster (but excluding the two " Patent " theatres) and in the parliamentary

boroughs of Finsbury, Marylebone, the Tower Hamlets, Lambeth, and Southwark, as they existed in 1843, and in the Borough of New Windsor, the licensing authority is the Lord Chamberlain, whose licence may also be required in any other area where the Sovereign happens to be in residence.

88 In the County of London under powers contained in the Metropolis Management and Building Acts Amendment Act, 1878, and the London County Council (General Powers) Acts of 1930 and 1938, the County Council have promulgated extensive requirements as to structure and lighting, heating, electrical, ventilating, and mechanical installations ; they have also drawn up comprehensive rules for the management of all places of entertainment licensed by them and for ensuring order and decency at theatres. These rules are attached as conditions to the licences. Furthermore under Section 21 of the Metropolis Management and Building Acts Amendment Act and Section 45 of the Metropolitan Board of Works (Various Powers) Act, 1882, the County Council have specific power to inspect theatres (other than the two " Patent " theatres) within their area whether they are licensed by the Council or by the Lord Chamberlain. We have been given to understand that, under arrangements made many years ago, the Council do in fact inspect the Lord Chamberlain's theatres, and have drawn his attention to any shortcomings that have been observed in the accommodation provided for staff and performers, as well as to such matters as fire precautions and the sanitary condition of the premises generally.

89 Throughout the remainder of the country the licensing authorities appear to have full discretion to grant or refuse licences under the Theatres Act, 1843, and the Home Secretary has been advised that in the exercise of this discretion they may attach any reasonable conditions to them. In 1920 the Ministry of Health made representations to the Home Office about the large number of complaints they had received on the subject of the unsatisfactory working conditions in theatres in various parts of the country. The complaints were concerned, *inter alia,* with the absence of proper sanitary accommodation, the lack of proper lighting, heating, and cleanliness in the dressing rooms, and insufficient ventilation. It was even said that the sanitary conditions of many theatres were so bad as to endanger the health of persons employed in the performances. All licensing authorities were accordingly circularised and their attention drawn to the powers which the Home Secretary was advised that they possessed. It was suggested that the granting of licences should be dependent upon a certificate from the local sanitary inspector that conditions in the buildings were satisfactory in sanitary and other respects, and that licences should contain conditions to this effect. If insanitary conditions were reported and were not remedied within a reasonable period, the matter should be taken into consideration when the question of the renewal of the licence arose. The Ministry of Health, for their part, decided to ask local authorities through their sanitary inspectors to visit theatres and other places of amusement periodically and to report both to the local and licensing authorities cases where unsatisfactory conditions were discovered.

90 The law governing the granting of music and dancing licences, which are required for premises used for theatrical performances other than stage plays, is even more involved than that covering the legitimate theatre, since the legislation under which the licences are granted varies according to the locality. Thus in the County of London the law is contained in the Disorderly Houses Act, 1751, as amended by the Public Entertainments Act, 1875, the Local Government Act, 1888 (under which the powers conferred on Justices by the Act of 1751 are exercised by the London County Council),

and the London County Council (General Powers) Acts, 1915, 1923, 1924, 1935, and 1936. In the Counties of Middlesex and Surrey licences are granted by the County Councils under the Middlesex County Council Act, 1944, and the Surrey County Council Act, 1931. In the Counties of Essex (excluding certain areas where the Public Health Acts (Amendment) Act, 1890, was adopted before the 1st January, 1935) and Hertfordshire, and in so much of the Counties of Buckinghamshire and Kent as is within twenty miles of the Cities of London and Westminster, and in the County Boroughs of Croydon, East Ham, and West Ham, the Home Counties (Music and Dancing) Licensing Act, 1926, is in force. The licensing authorities are the county and county borough councils, but the former may delegate their powers (other than the power to make regulations) to the Councils of urban districts with a population of not less than 20,000. Elsewhere licences are not required unless Part IV of the Public Health Acts (Amendment) Act, 1890, has been adopted or declared in force (in rural districts), or unless a local act is in force.

In short, licensing powers are exercised by seven county councils, 14 county borough, borough and urban district councils, chiefly in or near London, and by the justices in 636 out of 967 county borough, borough and urban districts and in 71 out of 472 rural districts.

91 In Scotland the position is less complicated. Local government and burgh police acts require theatres to be licensed by county and town councils, and also contain powers under which these councils may make by-laws for places of public amusement. The by-laws may provide only for times of opening, for securing the safety and comfort of the public, and for maintaining good order: they cannot concern themselves with the working conditions of employees. Conditions may be attached to the licences, but the Secretary of State has been advised that it is doubtful whether these can legally include requirements to safeguard the health, welfare, and safety of staffs, and in practice no such conditions have been attached to any licence.

92 In the counties of cities however where most theatres are situated, the councils have other powers under local acts. In Edinburgh, for example, they may attach to licences such conditions as they think fit, but this power is designed primarily for the protection of the public, and the only standard condition attached to all licences which directly affects the welfare of employees is a requirement that all parts of the premises shall be kept properly and sufficiently ventilated and heated. When the weekly routine inspection of theatres takes place however attention is given to the working conditions of employees. In Glasgow the council have a similar power and also specific authority to make by-laws regulating the provision of dressing-room and sanitary accommodation for the performers and other employees, while in Dundee there is a by-law requiring effective and suitable provision to be made for securing and maintaining adequate ventilation and a reasonable temperature.

All county and town councils in Scotland have, in addition, general powers to require every building to be soundly constructed, and places of public amusement to be provided with adequate ventilation, lighting, and sanitation, safe means of ingress and egress, and protection against the danger of fire. These powers, conferred primarily for the benefit of members of the public, also indirectly contribute to the safety and welfare of theatre employees.

In 1920 circulars about sanitary conditions and safety precautions in places of public amusement, similar in terms to those issued in England and Wales, were sent to the local authorities by the Scottish department concerned.

THE EVIDENCE

93 The evidence we have received has come wholly from the representatives of professional actors, of theatrical musicians and of the staff employed both back-stage and in the front of the house. The principal points on which complaints were centred were, in the case of the stage performers, overcrowding and bad ventilation, insufficient heating and inadequate washing and sanitary facilities, as well as lack of proper canteen facilities. The musicians expressed strong dissatisfaction with the conditions to be found in many band rooms—the rooms in which they leave their clothes and other belongings not in use, and wait when they are not required to be in the front of the house. They told us that in many of these rooms there were no lockers and no proper washing and sanitary accommodation was provided. On behalf of the stage hands, many of whom are in the theatre only for the duration of the performance, it was urged that there should be staff rooms where they could leave their outdoor clothes and wait when they were not wanted for setting the stage or other similar duties.

94 The present powers of the licensing authorities which we have outlined in paragraphs 87 to 92 are extensive and, except possibly in Scotland, seem to be an adequate instrument for ensuring that reasonable conditions of employment should be available to all who work in the theatre. Yet there is no doubt that conditions in many theatres do in fact leave much to be desired and are far below those which we have suggested as proper for workers in other occupations.

95 We think that there are several reasons why the powers of the licensing authorities have failed to ensure that the working conditions in theatres are satisfactory. First, the safety and welfare of audiences is treated as the main consideration, and this has tended to obscure the needs of the employees. It is perhaps significant that, although our witnesses represented all who work in theatres, they were by no means certain what powers of control existed or even sometimes who exercised them.

Secondly there are, as our witnesses remarked, no generally accepted standards of accommodation or amenities for theatrical staffs which licensing authorities can use as a guide.

Thirdly, theatres are for the most part to be found in the centres of large towns or at any rate in closely built-up areas. The buildings are often old and stand on cramped and awkward sites. There is in consequence little possibility of effecting major improvements except at a prohibitive cost.

GENERAL RECOMMENDATION

96 Broadly speaking, we see no reason to differentiate in principle between employees in offices and employees in theatres, and much that we have recommended for the one can, in comparable circumstances, be applied to the other. There is however a factor present in theatres but absent in offices that has to be taken into account. In office buildings the number of employees usually remains reasonably constant over a period of time. In theatres, particularly provincial ones, the numbers of actors and staff may vary greatly according to the nature of the performance to be given, and it would not be easy for the licensing authority to form precise estimates of the extent of the accommodation which they ought to require. Our witnesses thought that the difficulty might be overcome by relating accommodation for employees to the seating capacity of the auditorium. We do not think this would work satisfactorily. We prefer to recommend that minimum standards of accommodation should be prescribed and that

licensing authorities should be given powers to prohibit the employment in any theatre of persons in such numbers that the accommodation available ceases to conform to the prescribed minimum standards.

But we should be shutting our eyes to realities if we were to recommend that the minimum standards which we are about to suggest ought to be compulsorily applied in their entirety to existing buildings even after a period of grace. We have already pointed out that most theatres are to be found on cramped and awkward sites in densely populated areas, and that in many of them major improvements could only be effected at prohibitive cost, if indeed at all. We have to recognise that to insist upon these standards would mean that many theatres would have to close their doors with little opportunity of re-opening them for many years to come. The law would thus inflict great hardship upon the very people whose welfare it professed to further. We therefore propose that the specific recommendations which we make below should only be compulsorily applied in full to new buildings, but that the licensing authority (to whom we shall refer again in the section covering administration and enforcement) should in the case of existing theatres be required to apply so much of them as may appear to them to be reasonable and practicable, having regard to the particular circumstances of each case.

RECOMMENDATIONS ON SPECIFIC POINTS

97 **Sanitary accommodation.** All work in theatres has to be carried out on the basis of a strict time schedule, and for this reason we think that the ratio of sanitary conveniences to employed persons should be greater than in factories, shops, and offices. In no circumstances should there be less than one convenience for every fifteen employed persons of each sex. The conveniences should be readily accessible and properly lighted, cleansed and maintained.

98 **Washing facilities.** There is an obvious need for proper washing facilities, both for performers and staff, and for the performers they must be either in the dressing rooms or immediately adjacent to them. We therefore recommend that the owner and/or occupier of a theatre should be required to provide suitable washing basins and a sufficient supply of soap, clean towels and water, both hot and cold, for all persons employed in the theatre, and that an appropriate proportion of these facilities should be sited in or immediately adjacent to the performers' dressing rooms and the band room. In addition, on each floor where there are performers' dressing rooms there should be at least one shower or other bath.

99 **Cleanliness.** We think that it would be right to apply to theatres the same requirements that we have suggested for shops and offices. These are based on Section 1 of the Factories Act and are set out in detail in paragraph 44.

100 **Heating and ventilation.** The representatives of British Actors' Equity Association asked that where practicable dressing rooms should have windows with direct access to the open air and that all should be provided with a constant supply of "clean air warmed or cooled as required by means of a combined mechanical system". They also asked that there should be central heating throughout the theatre, including corridors and stage, with a separate control for regulating the heat in each dressing room.

We do not think it either reasonable or practicable that the law should require dressing rooms to have direct access to the open air. In many theatres the limitations of the site make underground dressing rooms inevit-

able, and we have already said (paragraph 42) that we do not think that rooms without natural lighting are necessarily to be condemned. As regards ventilation we are confronted with the same difficulties as we were when considering shops and offices (paragraphs 27 and 28) and we are of opinion that it would be impracticable to require more than that it should be suitable and sufficient.

To recommend the compulsory installation of central heating would be to go beyond the scope of our inquiry, which in this connection we have confined to considering whether or not minimum (or maximum) temperatures could and should be prescribed. To maintain an even temperature alike on the stage and in the corridors and dressing rooms behind it is, we imagine, at least as difficult as to maintain it in a shop. The height of the roof above stage level and the constant opening of doors, both interior and exterior, must result in endless variations which it would be impossible to overcome. We find ourselves unable therefore to do more than recommend, as we have done in the case of ventilation, that temperatures should be suitable and sufficient.

101 **Lighting.** Adequate lighting is important, particularly behind the stage, where passages and staircases are frequently narrow and tortuous, and we think that owners and/or occupiers of all licensed premises should be required to maintain suitable and sufficient lighting in all places which performers or staff have to use during the course of their employment.

102 **Band and staff rooms.** Suitable and sufficient accommodation in which to change their clothes, leave their belongings, and wait when not on duty, should be provided for members of the orchestra and the theatre staffs of both sexes.

Performers' dressing rooms. Space, exclusive of furniture, for each artist in dressing rooms where more than one person is accommodated should not be less than that prescribed by Section 2 of the Factories Act, i.e 400 cubic feet, height above 14 feet being ignored.

103 **Facilities for meals.** Our witnesses stressed the difficulty in many theatres of obtaining such things as sandwiches and hot drinks both during rehearsals and between performances. These remarks applied not only to performers on the stage but also to musicians and the theatre staff. We think that the licensing authority should be satisfied that suitable and sufficient facilities are available in the building or in the immediate vicinity.

104 **First-Aid.** In common with shops, offices, and other non-industrial establishments, every theatre or place where stage performances are given should be provided with a suitably equipped first-aid box or cabinet.

Lifts and hoists. For the reasons which have been given in paragraph 58 we have no recommendation to make on this subject.

Escape from fire. The existing requirements providing for adequate means of escape from fire and the precautions to be taken against it are governed in every instance by local acts, by-laws, and regulations. They are strict and, so far as we are aware adequate, and we do not propose to examine them in detail.

GREYHOUND RACING

105 Conditions at licensed greyhound racecourses in Great Britain (of which there are nearly 200) are controlled by two organisations, The National Greyhound Racing Society of Great Britain and the Central Office of Pro-

vincial Greyhound Tracks. Both are bodies composed of the companies and individuals who own the courses; in the main the former represents the larger tracks and the latter the smaller ones.

106 There is no legislation specifically directed towards the welfare of employees, but the Public Health Acts are applicable no less to the racecourses, staff hostels, and kennels of both organisations than to other premises, and the inspectors of the local sanitary authority are responsible for enforcing this aspect of the law. Also on some of the larger courses there are buildings containing machinery or equipment which bring them within the scope of the Factories Act.

107 The staffs employed vary in numbers from more than 1,100 at large metropolitan tracks to five or less (including the proprietor) at small provincial ones where there are neither trainers nor kennels and the dogs are taken to and from the races by their owners. A feature of the industry is the high proportion of part-time staff to permanent employees particularly where totalisators are in use, a fact which must be borne in mind when considering questions affecting their health and welfare. At all courses represented by the National Greyhound Racing Society welfare officers have been appointed, and in addition the premises are visited by stipendiary stewards of the National Greyhound Racing Club—the body responsible for the racing side of the industry—who report to the stewards of the club upon the general condition of the courses and upon the health and welfare of the kennel and racing staff. At courses represented by the Central Office of Provincial Greyhound Tracks there is no system of inspection, but the larger ones, we have been informed, conduct their affairs on lines similar to those inspected by the National Greyhound Racing Club.

108 Both the National Greyhound Racing Society and the Central Office of Provincial Greyhound Tracks told us that in view of the publicity given to every aspect of the business their members were bound to pay special attention to the health, welfare, and safety of all employees, and at the larger tracks we believe the amenities available to be satisfactory by any ordinary standards. At the smaller courses they are naturally on a different scale but we have no reason to suppose that they compare unfavourably with those available to other non-industrial workers. Apart therefore from our recommendations as to offices, which of course include those at greyhound racetracks, we have no legislative proposals to make.

RAIL AND ROAD TRANSPORT

RAILWAYS

109 British Railways, we were told, have more than 500,000 employees whose work lies outside the scope of the Factories Act. This figure includes clerical workers, running, operational, and permanent way staffs and most of the employees at passenger stations, goods depots, sidings, signal boxes, and locomotive running sheds. As the great majority of railway servants work on the systems formerly operated by the four main-line companies, the evidence presented to us by their witnesses was largely concerned with conditions of work on these systems, and for the most part it followed closely the lines taken by other non-industrial workers. Thus there were strong pleas for better lighting, heating, ventilation, sanitation, washing facilities, locker and mess rooms, and provision for first-aid. There were also

complaints that, even after allowance had been made for the difficulties of the past 10 years, buildings, accommodation, and equipment fell far short of what they ought to be, and were below the standards required for industrial workers under the Factories Act.

The Transport Act, 1947

110 By the terms of Section 95 (1) of the Transport Act, 1947, the Transport Commission is required (unless satisfied that machinery adequate for the purpose is already in existence) " to seek consultation with any organisation appearing to the Commission to be appropriate with a view to the conclusion between the Commission and that organisation of such agreements as appear to the parties to be desirable with respect to the establishment and maintenance of machinery for . . . . (*b*) the promotion and encouragement of measures affecting the safety, health and welfare of people employed by the Commission and the discussion of other matters of mutual interest to the Commission and such persons including efficiency in the operation of the Commission's services." Subsection (2) of the same section requires the Commission to report any agreement reached under Subsection (1) to the Minister of Transport and the Minister of Labour and National Service. The Commission has delegated the duty of consultation to the various Executives, and the Railway Executive (representing roughly the services formerly operated by the main-line companies) said in evidence that a joint welfare advisory council consisting of representatives of the Executive and the trade unions had been set up and was at present engaged in considering what standards of health, welfare, and safety should be recommended to the Commission. The London Transport Executive, on the other hand, told us that the machinery which existed before nationalisation was considered to be adequate for this purpose and that no such council had therefore been established in the undertakings controlled by them.

Views of the Railway and London Transport Executives

111 Both the Railway and London Transport Executives thought that the joint advisory councils (or the bodies functioning in lieu of them) would ensure that railway workers enjoyed satisfactory conditions of employment and that there was no need for minimum standards to be prescribed by statute. They pointed out that the councils were fully representative of employers and employed and that their powers of making recommendations to the Executives and, through the Executives, to the Commission were quite unfettered. They admitted that neither the Executives nor the Commission were bound to accept such recommendations, and that there was no right of appeal to an independent third party such as the Minister of Transport, but they contended that if the recommendations were rejected there were means by which the employees, if they so desired, could with propriety pursue the matter in Parliament and elsewhere. Finally they suggested that the present system, which had scarcely begun to function, should be given an extended trial before anything different was proposed.

The need for statutory minimum standards

112 It would certainly have been our duty, if the railways had not been nationalised, to recommend a statutory code of welfare and safety for them, and we cannot accept the argument that this has become unnecessary because they are now nationalised and special machinery has been provided for consultation between management and workers on these matters. No one suggests that industries previously subject to protective legislation such as

the Factories Acts should be exempted from it on nationalisation—the witnesses from the National Coal Board emphatically disclaimed any such idea—and we see no case for treating the Transport Commission differently.

RECOMMENDATIONS

Offices

113 At the beginning of our report we made recommendations to meet the needs of those who work in offices. We consider that no distinction should be drawn between railway offices and similar establishments elsewhere and our recommendations should be taken as applying to both.

General

114 The minimum legal standards that we have in mind are, broadly speaking, those based on the Shops and Factories Acts that we have recommended elsewhere in this report. Thus at stations and in goods depots, sidings, and other places where more than six people are employed, sanitary accommodation, washing facilities, lighting, first-aid equipment and accommodation for clothing and the taking of meals should be provided on the scales that we suggested for shops and offices. The recommendations are set out in detail in paragraphs 21, 22, 38, 46, 47, 52, and 57, but they may be summarised by saying that they provide for sanitary conveniences suitably lighted, cleansed and maintained on the basis of one for every 25 employees or less of each sex; for washbasins adequately supplied with soap, hot and cold water, and clean towels: for suitable and sufficient lighting: for readily accessible and properly maintained first-aid boxes: for adequate and suitable accommodation for clothing not worn in working hours and, where practicable, for arrangements for drying it, and finally for the provision and maintenance of suitable and sufficient facilities for the taking of meals. The enforcement authority (to whom we shall refer again in the section on administration and enforcement) should have power to grant exemptions where difficulties of site, construction, or supply make the attainment of these standards not immediately practicable. Here, as elsewhere in our report, we recommend that the exemptions should be reviewed at intervals of not more than five years with a view to their ultimate extinction. The enforcement authority should also be empowered to make regulations prescribing suitable standards for stations, sidings, and other places where fewer than six persons are employed, and also for signal boxes, platelayers' and gangers' huts which are remote from service mains or are not in regular daily use.

Locomotive running sheds

115 Locomotive running sheds are the places where locomotives are serviced when they are not running. We consider them separately because we heard many complaints about them, and because they more nearly resemble factories than any other premises we have reviewed. In addition to coaling, washing, and greasing, servicing may involve the cleaning of boiler tubes with jets of high-pressure steam, the removal and replacement of wheels, springs, and other heavy equipment and much minor repair work. In most sheds there are coal or ash hoists, inspection pits, and workshops equipped with an extensive range of tools, many of them power-operated.

116 Apart from complaints of a general nature, some of our witnesses drew attention to the dangers arising from inadequate lighting and ventilation, particularly when the sheds are filled with smoke and steam from the

locomotives under overhaul. These dangers, we were told, were often aggravated by accumulations of hot boiler ash, scrap metal etc., on the ground in or near the buildings. First-aid arrangements, which are usually in the hands of one of the employees who has voluntarily undergone training, were also criticised and compared unfavourably with those required in factories of comparable size.

117 The Railway Executive agreed that many sheds taken over from the former companies were out of date and all had inevitably deteriorated through lack of proper maintenance during the war years. They said that when materials were available the older ones would be rebuilt to standards which would no doubt be agreed by the joint advisory council.

118 We think that, as employment in these sheds approaches so nearly to employment in many types of factories, minimum standards not lower than those prescribed by the Factories Act and the regulations made under it should be applied to the sheds themselves and to all ancillary premises. In addition, the facilities for washing should include hot water, and we recommend that the terms of Section 13(1)(i) of the Food and Drugs Act should also be incorporated in the necessary legislation.

ROAD TRANSPORT

Local goods transport

119 For the purposes of this report we have regarded road transport as divisible into two main categories, long-distance and local, each with a subdivision into passenger and goods. We heard little or nothing about the local transport of goods, which to a great extent is undertaken as incidental to some other form of business, but we believe that the majority of people engaged in it are either the owners of the vehicles they drive or work for firms whose fleets of vehicles are small. Notable exceptions are those employed by government departments, such as the Post Office, and by the large retail stores.

120 We doubt if the local distribution of goods by road is a form of employment that is in need of protective legislation of the kind that we have proposed for other occupations. Even if it were, units of employment are so small, and circumstances so diverse, that we doubt the possibility of framing regulations which would be both practical and capable of enforcement. About this section of the industry therefore we have no recommendations to make.

Local passenger transport

121 Local passenger transport services are now principally in the hands of large private companies, municipalities, or the Transport Commission; and the number of undertakings operated under the direct control of the Commission and its Executives will no doubt increase year by year. From the London Transport Executive we had detailed evidence about conditions of employment in the metropolitan area. Less information was available about those elsewhere, but from such papers as were put before us we think that at the inner terminal points and vehicle depots of undertakings based on large urban areas they are reasonably satisfactory. At these places the T.U.C. asked for adequate ventilation, first-aid equipment, canteen facilities, staff rest rooms and where both sexes are employed separate lavatory accommodation: at outside terminals they asked for lavatory accommodation and washing facilities with hot and cold water, towels and soap: at main relief points for first-aid equipment, canteens and rest rooms. To

require accommodation to these standards at outer terminal and relief points would, it is clear, raise all but insuperable difficulties on rural and suburban services. Many of the points are at country cross-roads or at best in small villages where the necessary facilities could only be made available at an expense which could not be justified. We do not therefore recommend that statutory minimum standards should be applied at these places. But at inner terminal points where more than six persons are employed the standards adopted should not be less than those we have recommended for shops and offices.

Long-distance goods and passenger transport

122 Long distance passenger transport is usually operated to fixed schedules, and destinations and times of arrival are known beforehand. On the other hand drivers of goods vehicles are often required to make long-distance deliveries at short notice and to return to their starting points by any routes on which they can pick up loads that will cover the cost of the return journey. Representations were made to us that adequate hostel accommodation should be available for men who, because of the uncertainty of their movements, were unable to make their own arrangements in advance, and it was suggested that the cost of hostels at suitable points throughout the country should be met by a levy or toll upon long-distance operators.

The provision of decent hostels with adequate facilities for meals is an aim with which we have much sympathy, but we think that it is a matter which can be dealt with more appropriately by joint consultation than by legislation.

AGRICULTURE

123 We have been told that in 1945 there were nearly 440,000 farms and agricultural holdings in Great Britain. Of these some 170,000 or 38 per cent. employed no paid workers at all, while a further 125,000 or more than 28 per cent., employed two or less. Thus two-thirds of the country's agricultural undertakings consist of small units where a substantial part of the necessary labour is supplied by the farmer himself and his family, and where in consequence employers and employed work on equal terms sharing the same risks and disabilities. Apart therefore from other considerations peculiar to the industry, it is scarcely surprising that there is little legislation specifically directed to the welfare and safety of the paid farm-worker.

THE EXISTING LAW

124 The principal statutes affecting the working conditions of those employed in agriculture are the Threshing Machine Act, 1878, the Boiler Explosions Acts, 1882 and 1890, the Chaff-cutting Machine (Accidents) Act, 1897, the Petroleum (Consolidation) Act, 1928, the Children and Young Persons Act, 1933, the Children and Young Persons (Scotland) Act, 1937, and the Public Health Act, 1936. Of these statutes two only—the Threshing Machine Act and the Chaff-cutting Machine (Accidents) Act—refer wholly to agriculture.

The Threshing Machine Act, 1878

125 The Threshing Machine Act, which does not apply to Scotland, provides that the drum and feeding mouth of every threshing machine worked by any motive power other than manual labour shall at all times when

working be kept sufficiently and securely fenced so far as is reasonably practicable and consistent with the due and efficient working of the machine. A police constable may enter premises on which he has reasonable cause to believe that such a machine is being worked contrary to the terms of the act for the purpose of inspecting the machine, and a fine of £5 may be imposed upon any person who permits a threshing machine to be used which does not comply with the legal requirements. But there is nothing in the act to say by whom its provisions are to be enforced, and we have been told by the Ministry of Agriculture that they have no knowledge of any prosecution having taken place. They added that had proper enforcement been possible a number of accidents would undoubtedly have been prevented.

The Chaff-cutting Machine (Accidents) Act, 1897

126 The Chaff-cutting Machine (Accidents) Act provides that so far as is reasonably practicable and consistent with the due and efficient working of the machine, the feeding mouth or box of every chaff-cutting machine worked by motive power other than manual labour shall be constructed or fitted with such apparatus as to prevent the hand or arm of the person feeding the machine from being drawn between the rollers to the knives, and that the fly-wheel and the knives shall be kept sufficiently and securely fenced at all times during working. There are the same powers of entry and penalty, as in the case of the Threshing Machine Act and the same lack of provisions for enforcement.

The Boiler Explosion Acts, 1882 and 1890 and the Petroleum (Consolidation) Act, 1928

127 The Boiler Explosion Acts are measures which enable the Ministry of Transport to investigate the causes of all boiler explosions in the United Kingdom or on board British ships, except where the boilers are used in the service of the Crown or for purely domestic purposes. The acts are not concerned with the safe working of boilers, which is covered by Section 29 of the Factories Act. The Factories Act however, to which we shall shortly refer, is not applicable to farm buildings except in certain special circumstances.

The Petroleum (Consolidation) Act, 1928, provides *inter alia* for the storage under licence from a local authority of petroleum or benzol for use in agricultural machinery, but under the Petroleum Spirit (Motor Vehicles) Regulations of the following year quantities not exceeding 60 gallons may be stored without a licence. Both regulations and licences contain stringent precautionary conditions.

The Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937.

128 Section 18 of the Children and Young Persons Act, 1933, and Section 28 of the Children and Young Persons (Scotland) Act, 1937, as amended by the Education Act, 1944, and the Education (Scotland) Act, 1946, contain requirements that no child shall be employed until he has attained an age not less than two years below the statutory school leaving age, and that no child shall lift, carry or move anything so heavy as to cause him injury. Furthermore, local authorities are empowered to make by-laws authorising the employment by parents or guardians in light agricultural or horticultural work of children below the permissible age, and to prescribe conditions under which children may be employed subject to restrictions contained in the act itself as to hours of work.

The Public Health Act, 1936

129 Section 46 of the Public Health Act, to which we referred in paragraph 12, is concerned with the provision of sanitary accommodation and is applicable to such farm buildings as can be considered to be factories, workshops, or workplaces, while Section 270 of the same act allows local authorities to make by-laws to secure decent lodgings and accommodation for hop-pickers and persons temporarily engaged in picking, gathering, or lifting flowers, fruit, bulbs, roots, or vegetables.

SUGGESTED APPLICATION OF THE FACTORIES ACT TO AGRICULTURE

130 The question whether agriculture should be brought within the terms of the Factories Act was considered, we have been told, at the time of the passage of the bill in 1937, when the organisations representing agricultural workers pressed strongly for it to be made applicable to the industry, principally on the ground that the use of machinery on farms was increasing rapidly. Up to then it had been officially assumed that all operations incidental to the ordinary work of a farm were outside the scope of the act, and the government of the day took the view that, since a high proportion of the machinery used on farms was movable, it was not machinery of the kind to which the safety provisions of the Factories Act were designed to apply: also that it would be peculiarly difficult to incorporate safety devices to Factories Act standards in the many machines which were used only when travelling over the surface of the ground. It was thought too to be administratively awkward to apply only part of the act to farming, while other parts were altogether inappropriate to agricultural conditions, and it was therefore decided that safety precautions for agricultural workers needed further separate consideration. Agriculture accordingly remained outside the scope of the new act.

131 In 1939 further representations were made to the government, on this occasion by the T.U.C., who referred in particular to the safeguarding of agricultural machinery, the care and maintenance of equipment, the supply of first-aid kits, protection against corrosive sprays and fertilisers and the provision of washing facilities. The government replied that the points raised might well be investigated by the departments concerned in consultation with the industry, but the outbreak of war put an end to the discussions. In 1946 both the T.U.C. and the National Union of Agricultural Workers passed resolutions in favour of the application of the Factories Act to agriculture.

ACCIDENTS

132 It is difficult to gauge accurately the effect that the increasing use of machinery has had upon the frequency with which accidents occur. Under the National Insurance (Industrial Injuries) Act, 1946, all accidents have become notifiable to the Ministry of National Insurance, and in time therefore it will be possible to analyse the causes of those that occur on farms. At present however the most comprehensive recent figures available are based on returns made by War Agricultural Executive Committees during the years 1943-1945, claims made upon the National Farmers' Union Mutual Insurance Society, and accidents reported to the headquarters of the National Union of Agricultural Workers. The War Agricultural Executive Committees in England and Wales employed some 40,000 persons, and accidents arising from the use of machinery and involving claims for workmen's compensation averaged 19 per 10,000 workers per year. This compares with an annual accident rate on farms generally in 1936 (according to the statistics at that time supplied by the Accident Offices Association) of 10 per 10,000. But the figures are

not strictly comparable as by no means all farmers were insured against accidents to their employees; moreover it must be borne in mind that the Agricultural Committees employed more than the average proportion of inexperienced workers and the ratio of machines to men was higher than is usual on farms. The claims made in 1943 upon the National Farmers' Union Mutual Insurance Society show that accidents due to animals were more than twice as numerous as those due to machinery, and the National Union of Agricultural Workers stated in evidence that over the past five years the general accident risk had increased to 4 per cent. as compared with a pre-war risk of $2\frac{1}{2}$ per cent. From this scanty information it is not safe to infer more than that such increase in the accident rate as has taken place has not been in proportion to the increase in the use of machinery: if it had been, there is no doubt that the present accident rate would be very high.

BROAD OUTLINE OF CONCLUSIONS

133 Before we pass to consideration of the specific items which witnesses brought to our notice, it will we think be convenient to give here in broad outline the conclusions at which we have arrived after hearing the evidence put before us by the Departments concerned and the representatives of both sides of the industry.

Agriculture is dependent not only on the seasons but also on the vagaries of the weather and of requirements of livestock, and whatever extraneous control there may be over working conditions must be elastic enough to allow of swift action to meet emergencies suddenly arising. We doubt if any act of Parliament, even if it contained wide powers of delegated legislation, could provide the necessary elasticity. There are moreover the three reasons we advanced at the beginning of this section which in our view make agriculture an industry fundamentally unsuited to control by a statute of the character of the Factories Act. On these we need not enlarge beyond emphasising the difficulties of enforcing even the simplest regulations. Except on some types of farms at particular seasons of the year, in specialised branches such as horticulture and market gardening, and in certain areas of the country where gang labour is a normal feature, the agricultural worker carries out many of his tasks with little or no supervision and often at some distance from his headquarters. It is one thing to require dangerous machinery to be properly guarded or protective clothing to be worn, and quite another to ensure that the requirements are observed. This is but one example of the difficulties which those who would be responsible for enforcement would be likely to encounter. To overcome them, even in part, would entail a very large inspectorate.

But it must not be inferred that we reject the idea of applying any part of the Factories Act to the industry; indeed we are about to recommend that certain sections of it shall be incorporated in a bill of limited scope. The point we are now making is that no act of Parliament can afford the agricultural worker the same safeguards as those enjoyed by workers in other industries.

CONSIDERATION OF SPECIFIC ITEMS

We turn now to consider specific points put to us for the most part by the representatives of the T.U.C. on behalf of the agricultural workers' unions.

134 **Sanitary accommodation.** Sanitary accommodation falls into two categories—fixed, at farm buildings, and movable, wherever it happens to be wanted when gang labour is employed. The two National Farmers' Unions were not opposed in principle to the supply of either sort, and the

English union told us that they had for some time been engaged in trying to obtain adequate numbers of portable conveniences. Both unions pointed out however that much depended on the nature of the work done on the farm, its size and situation, the natural features of the land, the question whether working gangs comprised both men and women, and the supply services available. In market-gardening and horticulture generally, where much mixed labour is employed and water is plentiful, we were given to understand that it is the usual practice to supply adequate separate accommodation for the sexes. On most farms no provision of this kind was usually made or was indeed thought to be necessary ; such sanitary accommodation as the farm-house itself possessed was normally available to employees. In areas where piped or tanked water supplies were not available the farmers' unions thought it likely that farmers would have difficulty in arranging for the proper cleansing of conveniences and that many employees, rather than undertake the cleansing themselves, would not make use of them.

135 Other witnesses suggested that whether farmers should be compelled to supply adequate sanitary accommodation, either permanent or movable, might be a matter which the local sanitary authority should be allowed to decide. We agree that no general statutory requirement could take into account the varying circumstances to which we have referred in the preceding paragraph, and we think that the average farm does in fact provide adequate and decent facilities, but in some places such as market gardens, fenland farms, and holdings where gang labour is employed there may be need for special facilities and we therefore concur in the view that in circumstances such as these the local sanitary authority is the appropriate body to decide the nature and the extent of the facilities that ought to be supplied. There are many forms of land tenure, and instances will no doubt occur where it will be far from clear upon whom the obligation to supply the facilities should rest. In such cases we think that provision should be made for a County Court, upon the application of either the owner or the occupier of the land, to apportion the expense in the manner set out in Section 11 of the Shops Act, 1934.

136 **Washing facilities.** The T.U.C. asked that all farmers should be compelled to provide washing facilities for their employees and explained that by this expression they meant clean water, soap and towels. The National Farmers' Union thought a legal provision to this effect unnecessary. They said that in market gardens and on farms where large numbers of persons were employed these facilities would be generally available and also on farms where much use was made of chemical sprays. On small farms the employee was always allowed access to whatever facilities the farmhouse itself possessed, and it was of course a statutory obligation to provide water, soap, and towels in all milking sheds.

The supply of washing facilities as thus defined is unlikely to give rise to difficulties of the kind to which we referred when considering sanitary accommodation, and we think that in the farmers' own interests as well as their employees' there is a case for imposing a statutory obligation on the occupiers of all agricultural holdings on which paid labour is employed to provide such facilities even if it is only by way of access to the farmhouse kitchen.

137 **The safeguarding of machinery.** Farm machinery falls roughly into three classes: stationary machines, either manually operated or incorporating their own power units, stationary machines for which power is supplied by a tractor or some other mobile or portable engine, and fully mobile

machines, which may be either self-driven or powered by a tractor or steam engine. About all three classes the T.U.C. made a number of suggestions to us with the object of safeguarding those engaged in operating them.

As regards those in the first category, we see no reason why it should not be obligatory to equip the machinery, if it is dangerous, with guards and safety devices to Factories Act standards, or why a duty should not be imposed upon the occupier of an agricultural holding to maintain them properly while the machines are in use.

Stationary machinery driven by mobile or portable power units however and wholly mobile machinery present more awkward problems. Common examples of stationary machinery with mobile power units are circular saws, chaff-cutters, root-pulpers, and cake-crushers. Here, the source of power is often a tractor driven into position near the machine, the power then being transmitted by belting, several yards in length, which frequently passes through an open doorway or a hole in the wall of a building. But the greatest difficulties of all arise in the case of wholly mobile machines, such as combine harvesters, where guards would require adjustment whenever the contour of the land over which they were travelling changed materially.

138 The difficulties involved in designing adequate safeguards for many types of mobile and semi-mobile equipment will not be solved without much research. Yet with the increasing mechanisation of farms the dangers are increasing too, and it is an aspect of agricultural work that we hope will receive close attention from government departments, employers, and employees. Protective legislation is desirable, but it must be broad enough to allow for the inclusion of new machines as they are brought into use and new safeguards as they are tested and found to be efficient. We propose that the Chaff-cutting Machine (Accidents) Act, 1897, and the Threshing Machine Act, 1878, which are of little, if any, value, should be repealed and that the Minister of Agriculture and the Secretary of State for Scotland should be empowered to prescribe by regulation machines for which satisfactory safety devices have been devised and which are of so dangerous a character that they should not be operated without them.

139 **Protective clothing.** Chemical preparations such as fertilisers and insecticides, some of them poisonous or otherwise harmful to human beings, are now in use on many farms: they are applied either by contractors who specialise in work of this kind or by the farmer's own employees. Most contractors and farmers supply their workers with the necessary protective clothing, goggles, etc., but we think that this should be made obligatory. The National Farmers' Union pointed out, as we ourselves have done in an earlier paragraph, that it is one thing to supply protective clothing and another to ensure that it is used. The clothing is virtually airtight and therefore uncomfortable, particularly in warm weather, and the temptation to remove it when the worker is out of sight of his employer or foreman may no doubt be great. This human failing however is not peculiar to agriculture and it can only be cured by education and propaganda: it does not destroy the case for legislation. We think that the Minister of Agriculture and the Secretary of State for Scotland should be given powers to prescribe by regulations the fertilisers, sprays and other chemicals whose use should make the supply and wearing of protective clothing compulsory.

140 **First-Aid.** Our witnesses told us that most farmers or their wives kept in their houses some form of first-aid box which was available for use by all on the farm when accidents occurred. But we suggest that agriculture should be brought into line with factories and the other occupations we

have reviewed, and that on any holding where paid workers are employed it should be compulsory to supply and maintain a suitably equipped first-aid box or cabinet.

141 **Lighting.** Representations have been made to us that it would be desirable to have some standard of good lighting for farm buildings, and that where there is electricity in the farmhouse itself, the farmer should be obliged to instal it in the farm buildings. We do not think there is a case for legislation. By comparison with other occupations, little agricultural work is carried on inside buildings, and standards of lighting are of less importance: moreover they are no easier to determine or enforce on farms than they are in shops, offices or other workplaces.

142 **Miscellaneous suggestions made in evidence.** A number of other suggestions to promote the safety and well-being of the agricultural worker were made by our witnesses. These are best left, we think, to be settled by negotiation and agreement between all parties in the industry, a course which has recently been followed with success in the case of the present admittedly excessive weight—2¼ cwt.—of loaded sacks of grain. Here we understand that agreement has been reached that the size of the sacks shall be reduced when circumstances permit so that they will weigh no more than 1¼ cwt.

SUMMARY OF RECOMMENDATIONS

143 We think that a case has been established for legislation to give the agricultural worker some amenities to which he is not at present legally entitled and to protect him from certain risks to which he is unnecessarily exposed. This legislation should provide for:—

(i) Powers to be given to local sanitary authorities to decide the nature and extent of the sanitary accommodation to be provided on agricultural holdings where a need for special facilities exists. (*Paragraph 135.*)

(ii) The supply of clean water, soap, and towels for the use of employees. (*Paragraph 136.*)

(iii) The repeal of the Threshing Machine Act, 1878, and the Chaff-cutting Machine (Accidents) Act, 1897. (*Paragraph 138.*)

(iv) The granting of powers to the Minister of Agriculture and the Secretary of State for Scotland to prescribe by regulations

(*a*) the machines for which satisfactory guards have been devised and which are so dangerous that they should not be operated without them. (*Paragraph 138.*) and

(*b*) the fertilisers, sprays, chemicals, and other dangerous substances for employees using which the employer must provide protective clothing. (*Paragraph 139.*)

(v) The supply and maintenance on all agricultural holdings of suitably equipped first-aid boxes or cabinets. (*Paragraph 140.*)

FISHING AND SHIPPING

144 In this section of our report we have construed our reference to exclude consideration of conditions in the ocean-going vessels engaged in fishing the Arctic, Bear Island, and other remote grounds. We have also omitted

inshore fishing, where the boats are rarely at sea for more than a few hours at a time and are largely manned by members of a single family or by a group of neighbours. We have concerned ourselves with craft—mostly trawlers—operating in home waters or on fishing grounds which entail the absence of the vessels from port for periods varying from two or three days to a week or more.

THE EXISTING LAW

145 The law is contained in three statutes, the Merchant Shipping Acts of 1894, 1906, and 1925. That of 1925 was passed to give effect to a number of international conventions about the welfare of juveniles employed as coal trimmers: those of 1894 and 1906 were omnibus measures and few of their sections are concerned with health, welfare, and safety as we have discussed them in this report. We propose at this stage therefore to review such evidence as was presented to us, leaving our observations on the law to the end of the section.

THE EVIDENCE

146 With one exception we received no evidence from organisations representing owners, but memoranda were submitted by the interested government departments (the Ministry of Agriculture and Fisheries, the Fisheries Division of the Scottish Home Department, and the Ministry of Transport) and by the T.U.C. on behalf of those employed in the industry.

The government departments told us that although they rarely if ever received complaints, apart from occasional representations from fishermen about unseaworthiness and certain complaints of a general nature from trade unions, they were well aware that conditions were far from satisfactory in a large number of vessels, and said that in the older craft, which constituted a high proportion of the fishing fleets, there was little that could be done to improve matters. They also told us however that the three departments were in consultation with the object of securing agreement on better standards of crew accommodation, and that, when agreement had been reached, proposals would be put before both sides of the industry for their consideration with a view to new legislation.

The T.U.C. on behalf of the fishermen made representations to us about unsatisfactory conditions in fo'c'sles, inadequate and unsuitably sited sanitary accommodation, lack of facilities for washing, and drying clothes and for messing, insufficient ventilation below decks, and a general lack of cleanliness, due in part to the construction and layout of the boats. They were at one with our other witnesses in agreeing that in the older vessels there was little scope for improvement and they especially welcomed the setting up in 1946 of the Joint Industrial Council, which, although officially confined to such matters as wages and hours of work, gave them opportunities for informal contacts with trawler owners of whom many were willing, they said, to incorporate their suggestions for improvements when building new tonnage.

147 The evidence left us in no doubt that an unduly high proportion of fishing vessels of the trawler class lacked even the simplest amenities, and we were impressed by the unanimity which we found on all sides that new legislation or regulations could do little towards improving the older boats. Clearly the problem is aggravated to-day by the high cost of replacing obsolete tonnage.

148 The standard of crew space required by the Merchant Shipping Acts seems to us to be wholly out of date, a view we shared with all our witnesses. Section 210 of the 1894 Act specifies that not less than 72 cubic

feet and not less than 12 superficial feet shall be provided for each seaman. This meagre allowance has been extended by the Act of 1906 to 15 square feet and 120 cubic feet but the higher standard does not apply to boats registered solely as fishing vessels. The same section of the 1894 Act provides that seamen's accommodation shall be "securely constructed, properly lighted and ventilated, properly protected from the weather and sea and, as far as practicable, properly shut off and protected from effluvium which may be caused by cargo or bilge water". Properly constructed sanitary accommodation for the use of the crew must also be provided but there is nothing to say on what scale this should be done. Section 200 of the 1894 Act empowers the Minister of Transport to issue scales of the medicine and medical stores which must be carried in each ship and other sections are concerned with scales of provisions and the care of sick and injured fishermen—matters which lie outside the scope of our work.

149 The provisions we have just enumerated constitute the full extent of the welfare provisions of the Merchant Shipping Acts, except those in the 1925 Act relating to juveniles. There are obvious gaps and shortcomings and we believe that the steps now being taken by the three departments most closely concerned form the correct approach to the problem and the one most likely to benefit sea fishing and to benefit it most quickly.

150 We have made no reference to questions of safety. The regulations governing these matters are to be found in the Merchant Shipping (Life Saving Appliances) Rules and in the Regulations for Preventing Collisions at Sea. We understand that they are strictly applied and we have heard no complaints that they are inadequate.

DOMESTIC WORK

151 The 1931 census disclosed that 35,693 men and 1,142,655 women were engaged in domestic work in private households. These figures show that this class of employment was then one of the biggest of the non-industrial occupations. There are no more recent figures; if there were they would no doubt show a big drop. But it is certainly a form of employment which still absorbs a substantial part of the working population. The health, welfare, and safety of those engaged in it must not be regarded as a small matter. It is unfortunate that representative views are hard to obtain and improvements difficult to suggest.

152 Legislation on lines such as we have proposed for shops and offices, hotels, restaurants, and public and private institutions is wholly impracticable. It is worse than useless to frame laws which there is no prospect of enforcing and there can be no enforcement without powers of inspection. Even those witnesses who had the fortunes of domestic servants most keenly at heart did not go so far as to suggest that public opinion would tolerate inspection of the home. Nor did they deny that harm might be done by the intrusion of officialdom into relationships as essentially personal as those of employer and employed in the home. Yet we are reluctant to accept the conclusion that this exceptionally large non-industrial occupation, in which everyone knows that there were in the past notorious abuses, must alone remain unregulated.

153 The need for recognised standards of employment is at least as great as in the occupations with which we have already dealt: for the resident

employee the need for protection is exceptional because her place of employment is often her only home. If a statutory code of good employment is here impracticable, as we are convinced it is, the next best thing is a non-statutory one. We suggest that the appropriate government department should draw one up in the hope that employers will recognise a general obligation to observe it as motorists today recognise a general obligation to observe the Highway Code.

154 Because of the widely differing circumstances in different houses much of the code would have to be in very general terms. Apart from rates of pay, holidays, and hours of work—points with which we are not here concerned—it should cover in the case of the non-resident worker such matters as the proper maintenance of domestic mechanical appliances, the provision of adequate lighting and of suitable equipment for the tasks to be undertaken, and of facilities and intervals for meals and refreshments, when these are taken on the premises. Where the employee is resident the code should also provide for suitable bed and sitting room accommodation, either combined or separate, reasonable access to indoor sanitation, baths and other washing facilities.

155 Such we think are the minimum obligations of the good employer, who in return will no doubt ask for recognised standards of efficiency by which he can assess the skill of those who seek employment in his service. A step in this direction has recently been taken by the founding of the National Institute of Houseworkers, a state-sponsored body whose aims include the raising of domestic employment to the level of a skilled profession. It is true that the Institute mainly concerns itself with training to a high standard of efficiency, and that the bulk of the demand will always be for the less skilled. But in setting up a standard of efficiency throughout the country by means of its system of examinations and diplomas—a standard which in course of time may become nationally recognised—it is doing a valuable service to all domestic workers, both skilled and unskilled. Indirectly too it is preparing the ground for the code we recommend by encouraging its pupils to accept posts only from those employers who are willing to subscribe to the general conditions of employment which it regards as indispensable to their welfare. The institute is in its infancy, and time will show if it can fulfil its early promise.

156 In the field of legislation we have therefore no recommendations to make, but on the Ministry of Labour should devolve, we think, the duty of drafting the code of good employment that we advocate. In general terms the code should touch upon all aspects of the working life of those gainfully employed in domestic work.

MISCELLANEOUS OCCUPATIONS

There are a number of occupations to which our attention has been directed but which do not readily fall into any of the categories that we have already considered.

DENTAL MECHANICS

157 Persons engaged in dental mechanics, if employed in commercial dental workrooms or dental laboratories, come within the scope of the Factories Act. Those who assist dentists in the small workshops often attached to their

surgeries or consulting rooms are borderline cases. Their work is ancillary to the principal business carried on at the premises and we understand that it is not the practice to regard the places where they work as factories. The same is true of dispensers, technical assistants to opticians, and others. The representations made to us refer to sanitary accommodation and general conditions of cleanliness, lighting, overcrowding, ventilation, and temperature: questions were also raised of the precautions to be taken where substances such as acrylic resin and substitute powdered pumice are being used.

158 So far as sanitary accommodation, cleanliness, lighting, overcrowding, ventilation, and temperature are concerned, we see no reason why these small workrooms should not be treated as integral parts of the consulting rooms or surgeries to which they are attached, and so be brought within the scope of the proposals that we have made for offices: we therefore recommend that this be done. As regards the possible dangers arising from the dusts of acrylic resin and substitute powdered pumice, we think that a distinction can be drawn between the dental mechanic who assists the dentist at his place of business and a similar worker engaged in a commercial factory. In a workshop attached to a surgery or consulting room the mechanic is either working alone or at the most with one or two others, and the dangers arising from harmful dusts etc., are not comparable to those in a factory where many people are engaged on the same processes. Moreover technical processes in a dentist's surgery are not continuous as they are in factories, and if proper standards of office ventilation are maintained we do not think that special precautions are necessary.

TECHNICAL SCHOOLS AND INSTITUTES

159 Technical schools where persons of all ages may be taught to use machines or tools or carry out processes some of which are dangerous do not come within the scope of the Factories Act, and there is no obligation to fit and maintain the usual guards and safety devices or to take the precautions required by the regulations made under the act. We have no doubt that the machines are ordinarily properly guarded and the precautions taken, but we do not think that they ought to be outside the protective provisions of the Factories Act and Regulations, and we recommend that they should be brought within their scope subject to a proviso that guards and safety devices may be removed from machines when in the opinion of the competent instructor it is necessary to do so for purposes of tuition. To assist the Factory Department to keep up-to-date records of places where technical instruction involving the use of dangerous machines, tools, or processes is carried on, a statutory obligation should be placed upon the governing bodies or proprietors controlling universities, technical schools or institutes to notify the Ministry of Labour of the existence of such establishments.

EMPLOYMENT IN COAL DEPOTS

160 The Ministry of Fuel and Power has drawn our attention to the conditions under which persons employed in the coal distributive trade work in coal depots, which are mostly to be found in railway sidings and on wharves and are outside the scope of the Factories Act.

We were told that there are practically no welfare arrangements and amenities at these depots. At the most there may be some very primitive sanitary accommodation, although in some places the railway authorities allow the men to use such facilities as are supplied for their own employees. Before the nationalisation of the railways, the companies had embarked upon schemes for improving the amenities available for railwaymen but felt unable

to extend the benefits to those employed in the adjacent coal depots. We understand however that a joint planning committee of the Coal Merchants' Federation, which is investigating problems of lightening the physical strain on persons employed in the depots and also of their general welfare, has it in mind to recommend as a minimum standard the provision of one sanitary convenience, one urinal, and one washbasin with running water in every depot where 20-30 men are employed, and, as a long term policy, the provision of hot water showers and drying rooms at the larger depots.

These proposals are no doubt gratifying but we cannot help thinking that the provision of minimum standards of welfare is a duty which should be laid upon the owners of the depots or wharves at which the coal merchants are tenants.

EMPLOYMENT IN CEMETERIES

161 We have received representations through the T.U.C. that canteen facilities and protective clothing ought to be provided for workers in cemeteries and that some form of shelter from the weather should be supplied for the use of gravediggers. The number of cemeteries where staffs are large enough to justify special facilities for meals must be small, and we cannot agree that this particular form of work on the land differs in its essentials from many other outdoor occupations such as agriculture, where work must be carried on in all seasons and weathers.

JUVENILES

162 At the beginning of our report (paragraph 6) we said that although the recommendations that we were about to make were to be taken as applicable to adults and juveniles alike, there were certain points of particular importance to juveniles to which we would refer at a later stage. We had in mind the special risks to which they are exposed when operating lifts, hoists, and dangerous machinery, and also the possibility of physical strain through the lifting of excessive weights.

163 **Lifts, hoists, and dangerous machinery.** In paragraph 58 and 104 we came to the conclusion that to recommend a general code of safety regulations for lifts and hoists in non-industrial premises would take us far beyond our terms of reference. But when juveniles are employed to operate them or have to operate them in the course of other duties, we think that an obligation should be placed upon the employer to ensure either that the juvenile has been properly instructed in their use or that he operates them only under the direct supervision of some fully trained person. Similarly we think that the terms of Section 21 of the Factories Act should be applied to every occupation in which a juvenile may be called upon to operate or clean any machine which is dangerous. This section, apart from providing that juveniles shall be fully instructed in the dangers arising from such machines and the precautions to be observed, requires the employer to ensure either that they receive a sufficient training in their use or that they are under the adequate supervison of a fully trained person. It also empowers the appropriate minister to prescribe the types of machines which are of so dangerous a character that juveniles ought not to work at them unless the requirements of the section have been fulfilled.

164 **Lifting of excessive weights.** The representations made to us by shop and clerical workers that women should be prohibited from lifting excessive weights (paragraph 64) applies also to juveniles. Children who are employed

in light agricultural or horticultural work under by-laws made under the Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937, are already prohibited from lifting, carrying or moving anything so heavy as to cause them injury (paragraph 128), and juveniles in factories are protected in similar terms by Section 56(1) of the Factories Act. We have already recommended in paragraphs 65 and 81 that powers should be taken to safeguard women employed in shops, offices, and catering establishments from the dangers of excessive physical strain, either by adopting Section 56(2) of the Factories Act or by using the wider powers contained in Section 60(1), but for juveniles we think that the general provision contained in Section 56(1) should be applied to all non-industrial occupations.

PART II

THE HOURS OF EMPLOYMENT OF JUVENILES

TERMS OF REFERENCE

165 The terms of reference given to us for this part of our enquiry were "To enquire into and make recommendations as to extending, strengthening or modifying the statutory regulation of the hours of employment of young persons."

166 We have taken "young persons" to mean persons who have passed the upper limit for compulsory school attendance, which is now the end of the school term that includes their fifteenth birthday, and have not yet reached their eighteenth birthday. The term "juveniles" is used throughout this report as being synonymous with "young persons."

THE EXISTING LAW

167 The economic difficulties to which we have referred in paragraph 2 of this report have had a direct effect on the restrictions upon the working hours of young persons.

Thus the Minister of Labour has had to continue to exercise, although on a diminished scale, the powers conferred upon him by Defence Regulations during war-time to authorise relaxations of the Factories Act provisions. One example of the use of these powers is the Factories (Hours of Employment in Factories using Electricity) Order, 1947 (S.R. & O. 1870), which was made as a result of the fuel shortage in order to permit the staggering of the working hours of juveniles in industry. The Order allowed greater flexibility in starting and finishing times, spells and intervals, week-end work, and (for youths of 16 and over only) employment at night, while retaining in general the Factories Act limits on working hours per week.

Again, staggered hours in factories may involve the working of double day-shifts. The adoption of this system, as an aid to increased production, was already under consideration before the fuel shortage became acute in 1947. It was fully examined by the Committee on Double Day-Shift Working, and they recommended, in their report published in June, 1947 (Cmd. 7147), that double day-shift working by juveniles should in general be prohibited, although exceptions in special cases should be allowed during a period not exceeding two years.

The following description of the existing law ignores all modifications, such as these, authorised as temporary expedients to assist in overcoming the immediate economic difficulties.

168 Under statute the night employment of juveniles is prohibited in industrial undertakings with certain exceptions; and their working hours are restricted at factories, mines, and quarries, in shops, in certain miscellaneous occupations specified in the Young Persons (Employment) Act, 1938, and in street trading, but in no other employment. These restrictions are analysed comparatively in Appendix B: they may be summarised as follows.

Night employment generally

169 The Employment of Women, Young Persons and Children Act, 1920, which gave effect to an International Labour Convention on night work, prohibits the employment of juveniles during a period of eleven consecutive

hours (including the interval between 10 p.m. and 5 a.m.) in mines, quarries, manufacturing and similar industries (including electricity undertakings), building and civil engineering work, and most road and rail transport. Exceptions are provided for family undertakings, certain continuous processes, and coal mines (if an interval of thirteen hours separates two periods of work); and the prohibition may be suspended for juveniles of 16 and over, either in an individual undertaking which is faced with an unforeseen emergency or generally by the Government when the public interest demands suspension as a result of a serious national emergency.

Factories

170 The Factories Act, 1937, covers juveniles employed in factories, and also those employed in collecting, carrying or delivering goods, carrying messages or running errands on the business of a factory, or employed in connection with docks or warehouses (other than warehouses to which the Shops Act, 1934, applies).

171 As regards those employed in factories, occupiers are required to post notices stating the scheme of working times for each day of the week, which, subject to various special exceptions, must be the same for all juveniles in a factory (except that those of 16 and over may have later stopping times), and must comply with the following general conditions:

(i) The hours of work in any week are not to exceed 48 for juveniles of 16 and over: for those under 16 the maximum is 44 hours, subject to exceptions granted by the Minister of Labour, after enquiry, where the carrying on of an industry would be seriously prejudiced by a reduction from 48 to 44, the longer hours would not be likely to injure the health of the juveniles, the work is particularly suitable for juveniles, and their employment would train them for permanent employment in the industry. (No such exception is now authorised.)

(ii) The hours of work in any one day are not to exceed nine.

(iii) The period, from start to finish, of employment in any day must not exceed 11 hours and must not begin earlier than 7 a.m. or end later than 8 p.m. (6 p.m. in the case of juveniles under 16) or, on Saturday, 1 p.m.

(iv) A spell of continuous employment uninterrupted by an interval of at least 30 minutes must not exceed $4\frac{1}{2}$ hours, or 5 hours if a break during the spell of at least ten minutes is allowed.

To provide for pressure of work at certain times, juveniles of 16 and over may be employed for additional hours* to those specified in a scheme. On a day when a juvenile works additional hours, his hours of employment must not exceed 10 exclusive of intervals, or 12 inclusive of intervals, and he must not begin earlier than 7 a.m. or end later than 8 p.m. (on Saturday 1 p.m.). In any factory the additional hours for women and juveniles must not exceed 100 in one year or six in one week, and must not be worked in more than 25 weeks in any year. The allowance of 100 hours is for the factory (or, in some cases, particular parts of the factory), and not for each individual. In classes of factories where these provisions would be unreasonable or inappropriate, the Minister of Labour may make regulations enabling

* The expression "additional hours" is used throughout this report to describe working time in excess of normal maxima, or outside the normal times which are permitted by statute, as distinct from "overtime" provided for by industrial agreements or customs or by wages regulations.

employment for additional hours to be limited by reference to the individual, within a maximum of 50 hours in one year. The Minister has power both to raise the limits of six hours in a week and 25 weeks in a year and conversely to reduce or prohibit additional hours in certain circumstances.

Further general restrictions prohibit employment on Sundays and on six public holidays in the year.

There are special exceptions to many of these general conditions. These include provisions for staggering mealtimes and holidays, an alternative half-holiday in lieu of Saturday, longer hours within five days for five-day week factories, an earlier start than 7 a.m., and day and night shift working for youths of 16 and over in certain continuous processes ; provisions as to special hours in factories where milk is treated, and for employment at abnormal times on work for the preservation of fish, fruit or vegetables or repair work by youths on regular maintenance staffs. There are also provisions enabling the Minister of Labour to authorise at particular factories the employment of juveniles of 16 and over on day-shift systems between 6 a.m. and 10 p.m. (2 p.m. on Saturdays).

172 The provisions which apply to juveniles employed outside a factory or in connection with docks or warehouses do not require schemes of hours to be notified, but stipulate that records should be kept of the hours worked and intervals allowed, and impose the following restrictions.

(i) The hours in any week are not to exceed 48 for juveniles of 16 and over, or 44 for those under 16.
(ii) A spell of continuous employment must not exceed 5 hours without a break of at least 30 minutes during the spell.
(iii) Where the hours of employment include 11.30 a.m. to 2.30 p.m. an interval of not less than 45 minutes is to be allowed between these hours.
(iv) There must be a night interval of at least 11 consecutive hours, including 10 p.m. to 6 a.m.
(v) One half-holiday, beginning not later than 1 p.m., must be given during each week.
(vi) Employment is prohibited on Sundays and six annual public holidays.

Additional hours are permitted for juveniles of 16 and over, provided that they do not exceed 6 in any week or 50 in any year, and that they are not worked in more than 12 weeks in any year.

Mines

173 The hours of work in coal mines are regulated by acts of 1908, 1911, 1919, 1931, 1932, and 1937, and in metalliferous mines by an act of 1872 and regulations of 1938. Different restrictions apply to surface and underground employment: they may be summarised thus.

174 *Above ground.* The hours of lads of 16 and over are unrestricted, except at mines other than coal mines, where night work is prohibited by the 1920 Act (*see* paragraph 169). Boys under 16 and all females have a maximum working week of 54 hours and a maximum working day of 10 hours, with no employment at night ; their spells without a 30 minutes interval must not exceed 5 hours and they may not be employed after 2 p.m. on Saturdays or at any time on Sundays.

175 *Underground.* The employment of any female is prohibited. Boys under 16 may not be employed at night but lads over 16 can be so employed in coal mines, although not at other types of mine. Boys under 16 at

metalliferous mines have a maximum working week of 54 hours and a maximum working day of 10 hours. In other respects hours of male juveniles are governed by the same restrictions as those of adults, which limit them to about 8 hours a day in coal mines, and in other mines to 10 hours a day and 54 hours per week.

Quarries

176 Hours of work in quarries are restricted in the same way as those of surface workers at metalliferous mines. No restrictions apply to lads of 16 and over. For boys under 16 and all females a maximum working week of 54 hours is prescribed, the maximum working hours per day being fixed at 10; spells must not exceed 5 hours without a 30 minutes interval; and employment on Saturday afternoon and Sunday is prohibited.

Shops

177 The code of restrictions which applies to working hours in shops is contained in the Shops Act, 1934, and Part II of the Young Persons (Employment) Act, 1938, with some additional provisions for England and Wales included in the Sunday Trading Restriction Act, 1936.

By the Act of 1934 the maximum working week for juveniles was fixed at 48 hours, but the 1938 Act reduced that maximum to 44 for those under 16. Special concessions exist for the catering trade, in which during twelve fortnights in a year the hours of work may be averaged, provided that the hours worked in any one week do not exceed 60; and in garages, where averaging is permitted all the year round, subject to a maximum of 54 hours in any one week and 144 hours in any three consecutive weeks.

Additional hours are permitted for juveniles of 16 and over, provided that they do not exceed 50 hours in a year, or 12 in a week, and are not worked in more than 6 weeks each year.

No limit is placed on the working hours in a day, except by the prohibition of employment during a night interval of 11 hours, including the period from 10 p.m. to 6 a.m. This prohibition is relaxed (*a*) to permit juveniles of 16 and over to be employed from 5 a.m. in connection with the collection or delivery of milk, bread, and newspapers; (*b*) after 10 p.m. until the end of the performance in theatres and cinemas; and (*c*) until midnight in connection with the serving of meals for on-consumption.

The maximum continuous spell of employment is fixed at 5 hours, or $5\frac{1}{2}$ on the weekly half-day, and between such spells there must be an interval of at least 20 minutes. Where the hours of employment include the period from 11.30 a.m. to 2.30 p.m. an interval of not less than 45 minutes must be allowed between these times (one hour if dinner is not taken on the premises); and if they include the hours from 4 p.m. to 7 p.m. not less than 30 minutes must be allowed between these times for tea. The Secretaries of State have power to regulate employment in spells to avoid an objectionable "spread-over", but this power has not been exercised.

All juveniles must be given a weekly half-holiday, beginning not later than 1.30 p.m. As regards the weekly rest day, the 1936 Act (which applies only to England and Wales) requires juveniles employed on Sunday in shops which are open for the serving of customers to be given either a whole holiday (if more than 4 hours are worked on the Sunday) or a half-holiday (if less than 4 hours are worked) in the week immediately preceding or following; and prohibits employment on more than three Sundays in a month.

Miscellaneous employments

178 The Young Persons (Employment) Act of 1938 restricts the hours of work of juveniles in certain specified occupations. These are message and errand boys, van boys, and delivery boys not already covered by the Shops and Factories Acts ; juveniles employed as page boys, cloakroom attendants, and in similar occupations in residential hotels or clubs and at public bars, theatres, and other places of entertainment ; lift attendants in hotels, clubs, and blocks of flats ; cinematograph operators and film winders. Exceptions are made for employments already regulated, and in agriculture or in a ship.

The maximum working hours in a week are fixed at 48 for juveniles of 16 and over, and 44 for those under that age. Additional hours are permitted up to 6 hours in a week in not more than 12 weeks in a year. The Secretary of State is given power to increase these maxima for particular classes of employment, and he has made a regulation increasing the number of weeks from 12 to 25 in newsagencies and communication companies. As in the case of employment in shops, no limit is placed on the working hours in a day, except by the prohibition of employment during the night interval of 11 hours, which must include the period from 10 p.m. to 6 a.m.

The maximum spell of employment is fixed at 5 hours, and the minimum interval between such spells at 30 minutes. Not less than 45 minutes must be allowed for dinner where the juvenile's hours of employment include the period from 11.30 a.m. to 2.30 p.m. The Secretaries of State have power to make regulations under which it would be possible for a maximum period of employment in any day to be prescribed in order to preclude an objectionable " spread-over " ; this power has not been exercised.

A weekly half-holiday is prescribed, to begin not later than 1 p.m. Sunday employment is permitted only if a whole holiday is granted in the week immediately preceding or following the Sunday in question.

Street trading

179 Under the Children and Young Persons Act, 1933, and the Children and Young Persons (Scotland) Act, 1937, the employment in street trading* of juveniles below 16 (in Scotland 17) years of age is prohibited, except that local by-laws may permit them to be employed by their parents. Local education authorities also may make by-laws regulating or prohibiting street trading by all persons under 18, which may *inter alia* determine the days and hours during which a juvenile may be so employed.

180 We are informed that in England and Wales 90 out of 170 local authorities have made by-laws. Of these, 44 have fixed 17 or 18 as the minimum age for girls, and one has fixed 17 for boys: 70 have specified an earliest time in the morning for trading (usually 7 a.m.) and a latest time in the evening (usually 8 p.m.), while 9 have fixed a latest time only: 12 have otherwise limited the number of trading hours in a day or a week. 62 have prohibited employment of juveniles on Sundays.

In Scotland only three out of 35 education authorities have made by-laws under the Children and Young Persons (Scotland) Act. Two prohibit trading by girls under 18: two specify earliest starting and latest stopping times, and by the third conditions as to hours are included in licences issued to the street traders: one prohibits employment on Sundays. One Scottish town council has made by-laws under a local act which *inter alia* prohibit any person under 18 from engaging in street trading.

* " Street trading " is defined as including the hawking of newspapers, matches, flowers, and other articles, playing, singing or performing for profit, shoe-blacking, and other like occupations carried on in streets or public places.

DEFICIENCIES OF THE EXISTING LAW

181 We were made aware of a body of opinion in favour of our making no recommendations for any changes in the law. The British Employers' Confederation emphasised to us the danger of disturbing industry at present by proposing reforms which would not be immediately practicable, and contended that the comprehensive code of restrictions introduced by the Factories Act of 1937 had been fully operative for so short a period that it was too early yet for consideration to be given to its amendment. Several shop-keepers' organisations maintained that the codes contained in the Shops Acts and the Young Persons (Employment) Act of 1938 were entirely satisfactory, and that in any case there was insufficient peace-time experience of the operation of the 1938 Act for alterations to it to be contemplated. The Federations of employers in the building trades considered that the voluntary agreements made within that industry sufficiently safeguarded the young employees in it, and held that the introduction of statutory restrictions would be unwarranted.

We had these arguments in mind when we examined the economic background of our enquiry, and we have explained in paragraph 2 why we have nevertheless continued our investigations.

182 On the other hand in the course of the evidence submitted to us the present provisions of the law were subjected to a great deal of criticism, both generally and in detail. The main general grounds of criticism were that the restrictions are too limited in their application; that they lack uniformity, and so give rise to anomalies in their operation; that they are unnecessarily complicated; and that they require modification on account of recent developments, including the raising of the school-leaving age and the projected establishment of county or junior colleges: in addition some witnesses advocated the exclusion of juveniles from occupations said to be morally or physically dangerous to them. These criticisms were elaborated on the following lines.

Limited Application

183 There are many fields of employment open to juveniles outside those covered by the existing statutory restrictions. They include office work, domestic service, agriculture and forestry, building and civil engineering, rail and some road transport, shipping and fishing, and a great variety of miscellaneous occupations—for example employment in laboratories, at pumping stations, locks and reservoirs, as nursing, doctors' and dentists' assistants, as photographers, at kennels, stables and race-tracks, as golf caddies, as chimney sweeps, as window cleaners, as stage hands and limelight operators at theatres, and as bill distributors. It was estimated for us by the Ministry of Labour that, out of a total of 1,730,000 juveniles in employment in July, 1947 (the latest date for which figures are available) 600,000 (or 35 per cent.) were engaged in these fields of employment. Their distribution by occupations was as follows: offices—215,000; domestic service—50,000*; agriculture and forestry—65,000; building and civil engineering—100,000; railways (all grades)—25,000; shipping and fishing—10,000; other occupations—135,000.

184 Those who represented to us that statutory restrictions should be extended to unregulated occupations based their arguments on the obligations of the State to the juvenile as such, whatever the work upon which he may be engaged. They contended that all adolescents need working hours which

* The Ministry of Labour was unable to estimate the number of juveniles in domestic service, and this figure is purely conjectural.

are relatively short, and are also well arranged, to enable them at an important stage in their lives to develop physically, mentally, and socially through varied activities pursued at leisure in company with others. The young railway worker or clerk, they said, needs opportunities of development no less than the shop assistant or factory hand. The piece-meal growth of legislation on this subject in the past has resulted in statutory protection against overwork being at present limited to certain occupations. These limits, it is argued, should now be removed ; the gaps in the legislative patchwork should be filled in, and all employers of juveniles should be required to observe restrictions imposed by the State in the interests of the adolescent.

185 Little attempt was made in the evidence we received to establish a case for the regulation of hours in any occupation by proving that juveniles in it were being worked for hours in themselves excessive. We were told that instances of serious exploitation by employers are probably not numerous at present, when the general shortage of labour is acute and the services of young persons are in great demand. It was however said that the juvenile himself may be tempted to exceed his strength by working unduly long hours in order either to make more money from overtime rates or to establish himself in a trade which offers opportunities of permanent employment.

Lack of Uniformity

186 Much of the criticism of the present law proceeded from general principles. It was contended that not only ought all juveniles, whatever their occupation, to have protection by law against long working hours, but that they all deserve the same degree of protection. Objection was taken to discrepancies between the provisions of the different codes at present prescribed for the several regulated occupations, on the ground that the basic needs of juveniles for hours which do not hinder their full development are the same in every walk of life. On this view if it is right, for example, to prohibit the employment of adolescents in factories on Saturday afternoons and Sundays, it is wrong to permit their employment anywhere else at the week-end.

187 These general arguments were reinforced by practical objections. Some of our witnesses who have the duty of enforcing one or other of the codes complained of the anomalies that arise through the co-existence of several schemes of restriction which are not uniform on all points. Anomalies are most apparent at establishments where different provisions apply to different groups of juveniles working closely with each other. Thus in shops which are also repairing establishments the working hours of some employees are governed by the Factories Act, those of others by the Shops Acts, while some errand boys may come under the 1938 Act code. In theatres the hours of the young usherette or lift-boy are limited by the 1938 Act, but those of the girl or boy selling ice-cream and confectionery by the Shops Acts. Many complications of this kind were brought to our notice, and it was represented to us that they occasion unnecessary trouble to employers and enforcement officers, as well as misunderstanding and resentment among the juveniles concerned.

Unnecessary Complexity

188 It was also put to us that the many provisions at present on the statute book are so complicated that the law is most difficult to understand. It is contained in a number of acts, some of them passed a long time ago and subsequently subjected to repeated amendment, and in various codes of regulations made under these acts. Moreover, many of the general restrictions are either waived altogether, or substantially modified, for particular

occupations or establishments. The result is a patchwork of law which, we were told, is confusing both to those affected by it—whether employers or employees—and to the authorities responsible for its administration. For the most part however the witnesses who expressed this view to us represented either the enforcing authorities or social service organisations, and little evidence in this sense was forthcoming from managements or workers' organisations.

Modifications Required by Recent Developments

189 *Raising of the school-leaving age*

The raising of the upper limit of the school age from 14 to 15 from 1st April, 1947, reduced the group with which we are concerned. It excluded not only those under 15 and over the previous school-leaving age, but also some of the fifteen-year-olds, since the terminal date for compulsory school attendance is not a child's fifteenth birthday but the end of the term in which that birthday falls, so that he may have to attend school for three or four months after his birthday.* It was suggested to us that different restrictions need no longer be applied to juveniles under 16 and those of 16 and over: it would make for administrative convenience to group the fifteen-year-olds with the two higher age-groups, and there is no longer any sound reason for drawing a dividing line at 16. Those who expressed this view argued that, although boys and girls of 14 require closer protection during a critical year of puberty, adolescents of 15, 16, and 17 form a homogeneous group. On the other hand we should record that some of the medical witnesses advocated a gradual increase in working hours during each year up to 18, and thought that the statutory requirements should provide accordingly.

190 *The establishment of county or junior colleges*

When county (or, in Scotland, junior) colleges are established, juveniles will be required, under the Education Acts of 1944 and 1946 and the Education (Scotland) Acts of 1945 and 1946, to attend them for 330 hours in the year. The usual arrangement will be for the boy or girl to attend for one whole day or two half-days in each of 44 weeks, but continuous attendance may be required for 8 weeks, or two periods of 4 weeks, and special arrangements may also be made to meet exceptional circumstances. Unless he is in continuous attendance for a period of weeks, the juvenile will not be required to attend college between 6 p.m. and 8.30 a.m. but the Minister of Education (or the Secretary of State for Scotland) may direct the substitution of other times for these in respect of juveniles employed at night or at other abnormal times.

It is further provided in these acts that the maximum weekly working hours laid down by statute for a juvenile in an occupation to which restrictions apply shall be reduced by the amount of time required to be spent at college. This means that, where a 48-hour weekly maximum is fixed at present, the juvenile who is attending a college for $7\frac{1}{2}$ hours in a week (330 divided by 44) may not be employed for more than $40\frac{1}{2}$ hours in that week. Similarly boys and girls of 15 who have a maximum of 44 hours will spend only some 36 of these on work at their places of employment.

191 It was represented to us that, in making a comprehensive survey of the law relating to juveniles' working hours, we ought to consider whether existing provisions should be modified to assist the operation of these parts of

*Throughout this report we shall refer to the group now excluded as the fourteen-year old group, and to the remaining juveniles under 16 as the fifteen-year-old group.

the Education Acts ; and also whether any further provisions are necessary to ensure that the intention of the acts is completely fulfilled. In connection with the former question it was suggested that the Factories Act should be amended so as to require employers to fix special schemes of hours for juveniles attending college and to empower the Minister of Labour to regulate the content of these schemes. What our witnesses had in mind in the other connection was the need for ensuring that a juvenile is not unduly taxed by the combination of college attendance and employment in the same day. To that end it might be desirable, they suggested, for employment to be prohibited before a morning session and after an afternoon session at a college, and for a sufficient interval for travelling and the taking of a meal to be required after a morning session and before an afternoon session : in addition, special provisions might be needed to ensure the reasonable combination of shift-work with college attendance.

Prohibition of Employment in Certain Occupations

192 Several of the bodies which submitted evidence to us, including not only social welfare organisations but also local authorities and the T.U.C., contended that public opinion had moved towards debarring young people, in their own best interests, from engaging in certain occupations, and strongly advocated the statutory prohibition of their employment in specified trades. Some of these vocations were represented as being physically dangerous to juveniles, even after training and under supervision ; window-cleaning was cited as the most hazardous. More stress however was laid on the moral dangers, inherent in certain other occupations, to which adolescents ought not to be exposed. Among the fields of employment which should be put out of bounds for this reason were mentioned licensed premises, billiard and pin-table saloons, fun-fairs, greyhound racing tracks and horse-racing courses, kennels and stables, bookmakers' and football pool promoters' businesses.

THE SCOPE AND NATURE OF REFORM

193 We find ourselves in complete agreement with the principle which underlies many of the criticisms and suggestions made in the foregoing paragraphs. Adolescence is a critical stage, and we accept the view that it is incumbent upon the State to protect adolescents, so far as it is within its power, from conditions of employment that might impair their moral and physical development. It is to the advantage of the community no less than to that of its young citizens to safeguard them during their formative years. Good health and adequate free time are cardinal factors, and only if young people have working hours and conditions that pay regard to these considerations can they make their best contribution in later life to the society of which they are members.

It goes without saying that statutes and regulations are not by themselves enough. Protective measures introduced by the State cannot be effective without the active co-operation of parents and guardians. All the State can do is to ensure that they have the opportunity of discharging their responsibilities.

194 If we accept the principle that adolescents should be safeguarded by the restriction of their working hours we must also accept the view that it should be applied as widely and as uniformly as possible, in order to assure to the maximum number of juveniles equal opportunities for development, so far as the law can do it.

195 Some of our witnesses considered that it was not only most desirable but would also be practicable to replace existing protective legislation by a single statute embodying a simple, uniform code, consonant with modern opinion and recent educational developments, and applying to all young people, whatever their occupations. Those who favoured reform on these lines quoted with approval the following passage from the report of the Departmental Committee on the Hours of Employment in Certain Unregulated Occupations, published in 1937.*

> "81. We are impressed by the difficulties and anomalies which arise from the present practice of dealing with young persons in groups according to the nature of their employment, and distinguishing, for example, between those employed in factories, in shops, and in street trading. We think the time has come when Parliament should consider how far it is possible to make comprehensive regulations as to hours of work and conditions of employment applicable to all young persons between the time of leaving school and the age of 18."

196 If this could be done it would have many advantages. Not only would it ensure that the protection afforded to juveniles was comprehensive, but it would secure uniformity of treatment for all of them, and at first sight looks as if it should result in a simpler body of law. We recognise the undesirability of differences of degree and detail in the protection given to groups of juveniles working in close association with each other but covered by separate statutory restrictions ; besides being administratively inconvenient these may give rise to resentment. We also appreciate the advantages of simplicity and codification, not only to the enforcing authorities but also to the employers, who wish to understand their duties under the law, and to the young employees, who should know their rights.

197 Practical difficulties however stand in the way of the adoption of this attractive solution in its entirety. We note that the Government of the day introduced in 1938, instead of the comprehensive measure suggested in the Departmental Committee's report already quoted, a Young Persons (Employment) Bill dealing only with certain unregulated occupations ; and to our mind the obstacles to a single all-embracing code are still insurmountable.

198 The objections spring in the main from the variety of the occupations in which juveniles may be employed, and from the inescapable differences in their nature and conditions.

Normally in most factories no external factors directly affect day-to-day hours of employment. It has thus been possible to require factories to observe schemes of work whose pattern must conform to fairly rigid conditions, making allowances for special industries by a few exceptions, and for occasions of special pressure by strictly limited additional hours. But occupations other than work in factories are not so easy to deal with. This is true even of those now regulated: in quarries an outside factor must be taken into consideration, so that longer hours are worked during the summer when the light lasts longer, with shorter hours in the winter. External requirements exert a still greater influence in shops, hotels, the entertainment industry, and other enterprises catering directly for public needs, where the hours of work must conform to the legitimate requirements of the customer, and the restrictive provisions are of necessity much less rigid in both content and method of application. These differences in conditions of work have been recognised in the past, and are reflected in the separate protective codes which have been devised to regulate working hours in the four main groups of regulated occupations—factories, mines and quarries, shops, and 1938 Act employments.

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* Cmd. 5394 (H.M.S.O. Price 9*d*.)

If we turn to the occupations in which hours are at present unregulated by statute, the variations become still more apparent. In offices conditions approximate to those in factories, in the sense that external factors do not cause complications. But in agriculture working hours are conditioned by the seasons and the weather, and by the demands of stock ; moreover many of the young workers are members of farmers' own families. Similar considerations militate against the rigid restriction of hours in forestry, and in fishing and shipping, private domestic service—particularly where the young helper lives in—and outwork done in the home. All these present special problems, raising difficult questions how working hours are to be demarcated, and how detailed restrictions upon them could be enforced.

199 By such practical considerations as these we were forced reluctantly to conclude that the course recommended in 1937 by the Departmental Committee, and advocated again by some of our witnesses, would not provide a satisfactory remedy for the deficiencies of the existing law. A comprehensive and uniform code embodied in a single statute (with supplementary regulations) would not secure the maximum benefit to the young worker. If it were indeed a comprehensive and uniform code its provisions would have to be so broad and general that those employed in occupations, such as factory work, where tight restrictions at present apply, would lose a great deal of their existing protection, and those in unregulated occupations to which rigid restrictions could be applied would not be given the greatest possible safeguards. If, on the other hand, this objection was met by retaining the tight restrictions for those occupations that admit of them, the code would not be a comprehensive and uniform one, for there are many occupations to which they could not be extended.

200 Although we feel unable, for these reasons, to endorse the proposal that there should be a single comprehensive code, yet we are satisfied that a case has been established for the extension of statutory restrictions of many unregulated occupations, for bringing the detailed provisions of the various protective codes as far as possible into conformity with each other, for simplifying those provisions, and for modifying some of them in the light of recent educational developments.

201 With these ends in view we have examined the various restrictions which at present apply to regulated occupations, in order to ascertain what improvements are required, how far the restrictions can be made uniform, and which of them can properly be extended to which unregulated occupations. In our review we have taken account of the raising of the school-leaving age and of the projected introduction of courses at county or junior colleges. We have also given separate consideration to some aspects of this latter development, as well as to the demand for the complete proscription of some allegedly harmful occupations.

REVIEW OF THE VARIOUS PROTECTIVE RESTRICTIONS

MAXIMUM WORKING HOURS IN A WEEK

202 Perhaps because of discussions about a 40-hour week for adults, our witnesses tended to take the weekly maximum as a test of the degree of protection afforded by any prescribed scheme of hours, and this was the restriction about which we heard most evidence. A maximum working week was not the first type of restriction introduced in this country, and it is in some ways not so important as provisions designed to ensure that juveniles' hours are well planned, with reasonably long and frequent intervals, suitable starting

and stopping times, and adequate rest days. Nevertheless it is the framework within which most of the other forms of limitation take their place, and may suitably be considered first.

203 In the occupations where hours are at present regulated by statute or order the general standards are a working week of 48 hours for juveniles between 16 and 18 and one of 44 hours for those under 16—both exclusive of intervals for meals and rests. The lower maximum for the younger age-group was introduced only some ten years ago.

These maxima do not apply however in mines and quarries, where the working week is directly limited only for females and for boys under 16, and for them the maximum is 54 hours. Even this does not apply to work underground in coal, ironstone, shale and fireclay mines, but the $7\frac{1}{2}$ or 8 hour daily maximum at these mines has the effect of confining the maximum working week of both adults and juveniles to $52\frac{1}{2}$ or 56 hours. In practice the actual working week is at present much shorter under agreements made within the industry.

204 It was represented to us from several quarters that the 48 hours maximum is too high for an adolescent and that it ought now to be reduced. The T.U.C. advocated a 40-hour week for juveniles of 16 and over, and a 30-hour week for those under that age. Their proposals went farther than most of our witnesses were prepared to go, but we were made aware of a strong body of opinion in favour of a reduction in the weekly maximum to 44 hours or less. Evidence in favour of such a reduction came from, amongst others, the Multiple Shops' Federation, the County Councils' Association, the British Medical Association, the National Union of Teachers, and the Society of Medical Officers of Health (Scottish Branch).

As has been explained in paragraph 190 the recent Education Acts will have the effect, when county or junior colleges are established, of reducing the maxima for juveniles by at least $7\frac{1}{2}$ hours per week, except for those who are released to colleges for continuous courses. We made enquiries to make sure that those who proposed reductions did so with a full realisation of the implications of attendance at county colleges, and they confirmed that they had this development in mind. The general view they expressed was that juveniles should be guaranteed a longer time in each week free from the claims both of their work and of the classroom.

205 The case for a reduction does not rest primarily (if at all) on the physical effects of working a 48-hour week. In the course of the debates on the Factories Bill in 1937 (when the 48-hour week had been common in industry for a number of years) the Home Secretary emphasised that his medical advisers did not consider that these hours were injurious to the health of juveniles. Subsequent reports by the Chief Inspector of Factories, covering periods when longer hours were worked in factories, do not suggest that this was a mistaken view. Although it was mentioned to us that overstrain sometimes resulted from the 48-hour week, we could elicit no substantiating facts. We were told that in Edinburgh some 9 per cent. of juveniles broke down in their first post-school year, but at that stage they would be subject to the 44 hours maximum, and in future the year at age 14, which is in many ways critical, will be spent at school.

206 The argument was rather that it should be the aim of legislation to assure to juveniles during their formative years generous opportunities for development, by guaranteeing to them sufficient leisure for pursuing their individual interests in association with their fellows. If, it was contended, adult workers are now thought to require a much shorter week than they

had only a decade or two ago, surely the adolescent needs still more free time in which to lay the foundations of a full and useful life. With conscription for young men at 18, the T.U.C. suggested, it is vital that before a lad is absorbed into the relatively artificial life of a Service he should have had a real chance to find his feet in society.

207 On the other hand the possibility of certain adverse consequences of a reduction of this maximum merits careful consideration. Two in particular demand examination.

First there is the possibility that it might seriously dislocate important industries. There is no doubt that juveniles play a large part in our economy ; in factories alone about 760,000 of them were employed in 1947. The raising of the school-leaving age and the decline in the birth-rate between the wars will diminish their numbers, but they must continue to fill an indispensable rôle. In many employments they work the same hours as adults, serving as their assistants or operating in teams with them. It was put to us that, if juveniles' hours were reduced, a reorganisation of work would be needed in these establishments so serious that it would not only throw them out of gear temporarily but would permanently reduce their efficiency.

The other major objection to a reduction was raised in the interests of the young employees themselves. It was represented to us that the prescription of shorter hours would lead to their exclusion from some industries or trades in which they now have the opportunity of obtaining permanent employment. They would thus be debarred from learning these trades before they became 18. Employers in establishments where the hours of juveniles are closely linked with those of adults, rather than face the problems of reorganisation presented by differential maxima, might prefer, it was suggested, not to engage juveniles.

208 After carefully weighing the arguments on both sides we have come to the conclusion that the balance of advantage favours the prescription, where possible, of a maximum working week of 45 hours.

209 We do not think that any serious repercussions of the sort mentioned in paragraph 207 would be likely if the maximum were fixed at 45 hours per week. In many factories the normal working hours for all employees, except those under 16, are now 45 per week, comprising five 9-hour days: in many others the normal weekly hours are shorter. So far as these numerous establishments are concerned a reduction of the statutory maximum for juveniles of 16 and over to 45 hours would make no difference.

In the remainder of industry, and in other occupations where the hours of juveniles are now subject to statutory restriction—except at mines and quarries—we do not consider that serious dislocation need result from the prescription of a 45 hours maximum. The Chief Inspector of Factories told us that when the working hours of factory employees under 16 were reduced to 44 industry in general rapidly adjusted itself to the new requirement ; and we understand that the exemptions from this limitation granted as a war-time expedient to certain factories have now been entirely withdrawn: the Minister of Labour is presumably satisfied that these establishments can accommodate themselves to the statutory maximum. So far as shops are concerned, and employments within the ambit of the 1938 Act, the Corporation of London informed us that the introduction of the 44-hour week for the 14-16 group has not been found to cause any substantial difficulty.

We do not think therefore that the introduction of a maximum working week of 45 hours would create difficulties for managements that would be insuperable. There must admittedly be some occupations in which differential

hours between employees over and under 18 are impracticable, but their needs can be met by special exceptions which, as we shall indicate later, need not be numerous.

We cannot believe that the other danger mentioned to us—that juveniles would be deprived of opportunities now open to them—is a serious one. It would not arise in factories normally working a 45-hour week or less. Employers elsewhere are likely to regard it as short-sighted to limit recruitment to persons over 18. It would curtail the period of service of skilled craftsmen.

210 We recommend that where the 45 hours maximum would apply it should cover all juveniles, including the fifteen-year-olds whose hours are at present restricted to 44 per week. We recognise that this assimilation may to some appear objectionable, because it would involve an increase of one hour in the weekly maximum prescribed by law for juveniles under 16. It would undoubtedly be an administrative convenience, both to managements and to enforcing authorities, to have the same maximum prescribed for all juveniles, but that is not a consideration to which we have attached any great weight. We have been moved to recommend assimilation largely because in our view the raising of the school-leaving age has undermined the grounds for dividing juveniles into two groups. As has been explained in paragraph 189, by reason of the statutory definition of the school-leaving age only part of one year's age-group now remains subject to the 44 hours maximum; and we accept the view that the needs of these adolescents, many of whom will be well beyond their fifteenth birthday when they enter employment, are not sufficiently distinguishable from those of sixteen-year-olds to justify treating them differently. The further step of raising the school-leaving age to 16, envisaged in the recent Education Acts, will eliminate altogether the age-group at present subject to the 44 hours maximum, and we are satisfied that in the meantime no harm will be done by treating alike juveniles of 16 and those who are a few months younger.

211 On general grounds the 45-hour week which we recommend ought to extend over as wide a field as possible, and with the minimum of exceptions. We propose that the 45 hours maximum should be applied to occupations at present subject to statutory restrictions, except work at mines and quarries, in the following manner.

Factories

212 The maximum should be universally applicable subject to three types of exceptions:

(*a*) A power similar to that at present contained in Section 71 of the Factories Act, 1937, should be given to the Minister of Labour. He would thus be empowered, after an enquiry has been held, to authorise a higher maximum, not exceeding 48 hours, to be worked in factories whose operations would be seriously prejudiced by a limitation to 45 hours, provided that increased hours would not be likely to injure the health of the juveniles, that the work is particularly suitable for them, and that their employment would afford them training and experience likely to lead to permanent jobs in the industry. This power provides a valuable measure of elasticity, particularly during the initial period of adaptation. The conditions, as specified in Section 71, would be stringent, so that authorisations could be granted only very sparingly.

(*b*) The exceptions to the 48-hour week provided in Section 81 of the Act for shift-work in certain specified industries and continuous processes (iron-smelting, the manufacture of paper and glass, etc.) should continue, but with the reduction of the permitted maximum hours per week from 56 to 52 and of those in any continuous period of three weeks from 144 to 135.

(*c*) Sections 88, 94 and 95 of the Factories Act provide for other exceptions. Section 88 exempts male young persons employed on repair work from any weekly maximum. Section 94 confers the same exemption (subject to such conditions as may be prescribed by ministerial regulations) in fish, fruit and vegetable factories, where processes have to be carried out without delay in order to prevent goods being spoiled. Section 95, as read with the Factories Act, 1948, empowers the Minister of Labour to raise the weekly maximum in factories where milk is treated to not more than 54 hours. We recommend that these exceptions should be applied to the 45 hours maximum which we propose. But the exemption conferred by Section 88 is in very wide terms, and we suggest that the Minister of Labour should be given power to make regulations governing repair work by juveniles. We were informed that the power to make regulations has not been exercised in the case of establishments handling fish or in the case of factories where milk is treated, but that the general restriction on the hours of work of juveniles is nevertheless not complied with in either case. We recommend that regulations for both should be made as soon as possible. These will put an end to an irregularity at milk processing factories and will confer some protection on juveniles at establishments handling fish.

All the special provisions mentioned at (*b*) and (*c*), except that relating to repair work, apply only to juveniles of 16 and over. We cannot recommend that they should also apply in future to fifteen-year-olds; that would be to secure uniformity at undue cost to the welfare of the youngest workers in industry.

Work in connection with, but outside, factories, and in connection with docks, wharves, quays or warehouses, at present regulated by Section 98 of the Factories Act.

213 No provision is made for exceptions from the existing maxima, and none is recommended from the new maximum.

Shops, and employments regulated by the 1938 Act

214 The reduced maximum should be applied to these occupations, and we would suggest that only one exception should be permitted. At present, in order to deal with special pressure at Christmas, the hours worked by a juvenile under 16 in a shop may be averaged over a fortnight comprising the week in which Christmas Day falls and either the week before or the week after, provided that he does not work more than 48 hours in either week or more than 88 hours in the fortnight. This relaxation is in line with the provisions permitting extended opening of shops at the Christmas season, and we understand that many shop-keepers have taken advantage of it. We therefore recommend that it should be applied to all juveniles who will be covered by the new 45 hours maximum, with the substitution of 90 hours for 88.

There are also relaxations at present for the catering trade and garages: in the former the hours of juveniles between 16 and 18 may be averaged over a fortnight 12 times in any one year, provided that the hours in either

week do not exceed 60, and those in both do not exceed 96 ; and in the latter the hours of juveniles between 16 and 18 may be averaged over periods of three weeks, provided that those worked in any one week do not exceed 54 and the total in any three consecutive weeks does not exceed 144. We are informed that little use is being made of these provisions and we think that they might well be withdrawn.

215 More use is made, according to our information, of another averaging arrangement. Railway vanboys between 16 and 18, who fall within the scope of the 1938 Act, are permitted to work more than 48 hours in a week so long as their total working hours in any period of four weeks do not exceed 192 hours. The reason given by our witnesses for this relaxation is that operating difficulties on the railways may lead to unforeseen delays in delivery services. In our view however the additional hours permitted by Section 1(1) of the 1938 Act should be sufficient to meet occasional dislocations of this kind, and in our opinion it should not be possible to require a vanboy to work unrestricted hours in any single week. We therefore recommend that this relaxation should also be withdrawn.

In the remaining two employments to which statutory restrictions on hours at present apply—work at mines and at quarries—we cannot recommend that the weekly hours of juveniles should be restricted to 45.

216 **At mines** juveniles are employed along with adults on a three-shift system and we are satisfied that it would not be practicable for them to work shorter hours than the adults. An entire shift of underground workers, men and lads, goes down together and returns to the surface together. Below ground the juveniles work in teams along with the adults, performing duties essential to getting and carrying away coal. Managements could not be required to wind the juveniles down later, or up earlier, than the men ; and if every juvenile had to have one shift per week off duty schemes of work at the pits would be dislocated. Above ground the winding difficulties do not exist, but there also the juveniles work in close association with the adults. Moreover many pits are isolated and special transport is provided to take both underground and surface workers between their homes and the pit-heads. Transport arrangements could not be easily adapted to bring juveniles on duty and take them off duty at different times from the adults.

The statutory restrictions on the hours of juveniles, which we have described in paragraph 203, have become unreal. They are not only in themselves inadequate but are out of keeping with the hours at present worked by adults at mines. We think that the maximum working hours per week for juveniles at mines, both above and below ground, might suitably be fixed at 48. By agreement within the industry adults work a 40-hour week ; at present however a sixth shift in the week is worked voluntarily at many pits, bringing the week to roughly 48 hours ; and even in more normal times it might be necessary for an individual to exceed the 40 hours in a week when the shift rota is being changed. A 48 hours maximum for juveniles would thus in general accord with the adults' maximum, so that the difficulties we have mentioned in the earlier part of this paragraph would not arise. We recommend that at mines the maximum weekly hours prescribed for juveniles should be fixed at 48.

217 **At quarries** the partial restrictions mentioned in paragraph 203 have also become unreal. The weekly working hours there vary with the amount of daylight available ; and the evidence submitted to us indicates

that the other special conditions obtaining at building sites, described in paragraph 219, apply at quarries as well. These considerations, we think, justify an exception from the general maximum ; and we recommend that the differential maxima of 46½ and 44 hours, which have been found satisfactory in the building industry, should be prescribed for quarries.

218 Turning next to the occupations so far unregulated, we propose that the 45 hours maximum should be introduced throughout, subject to the following exceptions.

Building and civil engineering

219 Working hours in the building industry vary according to the time of the year. We have been informed that in the months when the light is longer and the weather better they never exceed 46½ hours per week ; and that in the two or three months when the days are shortest they do not exceed 44. These maxima have been fixed by agreement within the industry. They apply to both juveniles and adults and we were told that, for two main reasons, it would be difficult to differentiate in the matter of working hours between employees under 18 and those of 18 and over. First, the young building worker is a member of a team in which he not only learns various operations but also plays a necessary part in carrying them out, so that his withdrawal for part of a day would dislocate the work. Secondly, adult and juvenile workers often have to be conveyed to the site by special transport and lads who knock off early could not travel home separately.

We do not consider 46½ hours to be an unduly long working week for part of the year in trades which offer a certain variety of employment and are carried out in relatively healthy conditions. The difference between a 45 hours maximum throughout the year and maxima of 44 and 46½ hours for different seasons of the year is certainly not great enough, in our opinion, to justify interference with the present methods of operation in the industry. We therefore recommend that the maxima in the building trades should correspond to those at present defined by industrial agreements, and should be 44 hours per week in a period of not less than two months when the light is shortest, but 46½ hours per week during the rest of the year.

In civil engineering the Building and Engineering Construction (Young Persons) Order, 1942 (S.R. & O. No. 2269) fixed maximum hours per week of 48 for juveniles under 16 and 54 for juveniles of 16 and over. This however is a temporary measure, made under Defence Regulations, and by agreement within the industry the actual hours worked are now shorter. As in the building industry, they vary with the length of the day. We were told that during the months of longer light the hours worked by both adults and juveniles may extend to 49½ per week and that for the remainder of the year they do not exceed 44½. The considerations which make it difficult in the building industry to prescribe shorter hours for juveniles than for adults do not operate so strongly in civil engineering. Only some 1,000 juveniles are employed on operational work at civil engineering sites (we are not here concerned with office and factory workers in the industry), and very few of them are essential members of constructional teams. Special transport arrangements are not so common in civil engineering, and in any case the younger boys are usually recruited from the immediate neighbourhood of the site. On the other hand the industry does require more latitude in summer than in winter, and we consider that the restrictions proposed for building might be applied also to juveniles employed in operational work at civil engineering sites.

Agriculture and forestry

220 We recognise that the young agricultural or forestry worker, like other adolescents, needs reasonable leisure during which to pursue his own interests. Farming however presents special problems, which we have examined most carefully with the assistance of the agricultural departments and of both sides of the industry ; and similar questions arise in relation to forestry.

It was suggested to us that Wages Board agreements effectively safeguard young agricultural workers by requiring higher rates to be paid for hours worked beyond the normal working week. We do not find this argument convincing. In our view overtime rates cannot act as a satisfactory deterrent to the excessive employment of a juvenile, who may himself be willing and eager to earn additional wages at the expense of his own health and welfare.

There are however insuperable obstacles to the introduction of a maximum week for juveniles employed in agriculture and forestry. They arise partly from the conditions under which farming and forestry are carried on, partly from the difficulty of identifying working hours, and partly from the impossibility of enforcement.

Farm operations are largely governed by the needs of livestock and the vagaries of the weather. The working programme has to be adjusted from day to day, and even from hour to hour, to meet these factors. Livestock may require attention at any time of the day or night, and in order to complete farm operations such as haymaking or harvest before the weather breaks it may be necessary to work long hours at the end of a day or at the end of a week. All hands on the farm are required on occasions, and many of the operations call for team work by groups of employees from which nobody can be spared.

To these difficulties must be added that of determining working hours, particularly where the young worker is a member of the farmer's family. On almost one-half of the agricultural holdings in England, Wales, and Scotland no paid workers are employed ; the farm is worked by the occupier's family. On the vast majority of the remaining holdings it is usual for the farmer's sons and daughters to take part in the farm work. It is manifestly impossible to impose any restrictions on the working hours of members of a farmer's own household, if only because these hours could not be defined. And the same problem also arises to a lesser degree in the case of hired labour where semi-domestic work is undertaken, particularly by girls, in addition to field work.

The difficulty of determining working hours has an obvious bearing on the problem of enforcing statutory restrictions. Enforcement would be impracticable on the family farm. Elsewhere too it could not be attempted with any hope of success unless a very large number of inspectors were appointed. It is true that the agricultural departments' wages inspectorate keep a check on the observance of wages agreements, which involves some enquiry into working hours: but we are convinced that any machinery for the enforcement of statutory restrictions would require for its satisfactory operation a body of officers altogether out of proportion to any good that might come of it.

We have come to the conclusion therefore that it would be impracticable to prescribe and enforce a maximum working week for juveniles in these occupations. They enjoy certain compensating advantages. Their work is carried on in the open air, and it does not involve the constant performance of monotonously repetitive tasks. It is thus healthier and more varied than many urban occupations ; and juveniles who engage in farming and forestry have a better chance to develop themselves in the course of their work than most young people employed in factories, shops and offices.

Fishing and shipping

221 Much the same considerations make it impossible to prescribe a maximum working week for young seamen and fishermen. The conditions of work in ships do not lend themselves to rigid schemes of working hours. Times spent on board are for the most part irregular and are determined by external factors such as tides and the weather. At sea, particularly on fishing vessels, the lads work in teams with the men, and while some operations are being carried out long spells may be unavoidable. It is true that, on relatively long voyages, hours of duty may be planned, but plans are liable to be upset by storms or other contingencies, when all hands are needed on duty. And even if it were practicable to devise a suitable scheme for the limitation of hours, the scheme could not be adequately enforced.

In this type of work however, as in agriculture there are safeguards and compensations. Young fishermen frequently sail with relatives who take an interest in their welfare. The work is interesting and varied, and the sea, like the land, develops character and initiative in those who serve on it.

Private domestic service and outworking

222 The difficulties in relation to these employments are those of ascertaining and defining working hours and of enforcing any statutory maximum.

As we have already pointed out in considering measures for the health, welfare and safety of domestic workers, enforcement of statutory conditions is impracticable in private domestic employment without powers of inspection and the inspection of private houses could not be contemplated. Moreover, although most young domestic workers who live in have days and parts of days specified as their times off duty, it would be very difficult to demarcate their working hours during the rest of the week. The general conditions to which the National Institute of Houseworkers ask employers of their associate members to conform include a requirement that resident workers under 18 should be employed for not more than 44 hours per week and non-resident workers for not more than 40 hours. The non-statutory code which we have already advocated for private domestic employment might provide that juvenile domestic workers should not be employed for more than 45 hours per week—the maximum which we recommend for statutory restrictions where they can be applied.

Outworkers, who are not usually under any contract of service, pursue their occupations in their own homes, or at some other place not under the control of the person who gives them the materials or articles which they make up, alter, or repair. Their hours are irregular, and cannot be readily ascertained or controlled. We do not see how any limitation could possibly be applied to juveniles in this category.

223 Our conclusions thus are that statutory restrictions on the maximum working hours in a week cannot reasonably and effectively be applied to agriculture, forestry, fishing and shipping, private domestic service or outworking ; and that the proposed 45 hours maximum will not do for building and civil engineering. For the remainder of the occupations at present unregulated, including employment in offices, in land transport, and in a great variety of miscellaneous trades and businesses, we consider that working hours for juveniles should be limited by statute to 45 per week. In making this recommendation we recognise that, although we have given detailed consideration to the hours of employment in most of the unregulated occupations, including all those in which large numbers of juveniles are employed, it has not been possible for us to review the circumstances of every occupation to which the 45 hours maximum may be applied for the first

time; and there may be some types of employment where it would be inappropriate. We therefore recommend that the minister concerned should have power to exempt particular occupations from the requirement of a maximum, if he is satisfied after enquiry that the exception is justified.

MAXIMUM WORKING HOURS IN A DAY

224 Closely linked with the weekly maximum is the daily maximum, although in the past it has not been thought necessary to limit the working hours per day in some of the regulated occupations. Daily maxima are prescribed in factories and for some juveniles in mines and quarries, but not in shops, for outside staffs of factories, or in the employments governed by the 1938 Act. In factories the maximum is 9 hours, except where a five-day week is worked, when it is 10. Above ground at mines and quarries there is a maximum of 10 hours, but at mines this applies only to females and to boys under 16: below ground in metalliferous mines the maximum is 10 hours, in coal mines $7\frac{1}{2}$, and in ironstone, shale and fireclay mines 8.

225 We see no reason to recommend a change in the 9 hours maximum in factories, but the relaxation allowed to five-day week factories should be abolished. We recognise that some special exceptions must be permitted, in conformity with those allowed from the maximum working week: exemptions and relaxations analogous to those recommended in paragraph 212 should be allowed, except that no relaxation of the 9 hours maximum need be granted in respect of the shift-work at present covered by Section 81 of the Factories Act.

226 In the remaining occupations for which a weekly maximum has been recommended, we consider that a juvenile's daily hours of work should also be limited to 9. It is undesirable that he should be employed either for alternate long and short days or, worse still, for several long days in succession and not at all for the rest of the week. In shops and 1938 Act employments, for example, unless there were a daily maximum it would be possible to employ a juvenile for four days of $11\frac{1}{4}$ hours, provided that he was not employed during the remainder of the week, and still to observe the 45 hours weekly maximum.

227 The objections to prescribing maximum working hours in a week for agriculture, forestry, fishing and shipping, private domestic service and out-working apply equally strongly here, and preclude the limitation of the working day in these occupations.

ADDITIONAL HOURS

228 As has been explained in the footnote to paragraph 171, the expression "additional hours" has been adopted in this report instead of "overtime" in order to avoid misunderstandings. "Overtime" is at present used in two senses: in acts of Parliament and similar contexts it means the hours which may be worked on exceptional occasions beyond the normally prescribed limits; in industrial agreements and wages regulations it means the hours for working which the employee is paid at a higher rate. "Additional hours" means "overtime" in the first sense, that is to say it signifies only the working time which may be allowed beyond the normal statutory limits.

229 The existing restrictions on additional hours are not uniform throughout the regulated occupations. The additional hours during which women or juveniles may be employed in a particular factory (or in some circumstances

in a particular part of a factory) are limited to 100 in a calendar year: in reckoning these hours every period outside the normal limits during which any woman or juvenile is employed is taken into account, so that one juvenile working for one additional hour reduces the allowance for the whole factory (or part) to 99 hours. Where however the nature of the business carried on in a particular class of factory involves the employment for additional hours of different persons on different occasions to such an extent that these provisions are inappropriate, the minister may by regulation permit additional hours to be calculated by reference to the individual juvenile, who must not be employed for more than 50 additional hours in any year. A maximum of 50 hours in one year applies to shops, employments governed by the 1938 Act, and outside work at factories, docks and warehouses. Overtime is not permitted for juveniles under 16 in these occupations or in factories. In the case of mines and quarries there is no specific distinction between normal time and overtime; any workman may (under the Coal Mines Regulations Act, 1908) remain below ground after the end of his normal shift to render assistance at an accident, to deal with any apprehended danger or emergency, or to complete work unfinished through unforeseen circumstances.

Further conditions applicable to additional hours for juveniles are that they are limited in 1938 Act occupations and outside work at factories to 6 hours in any week and 12 weeks in a year, inside factories to 6 hours in a week and 25 weeks in a year, and in shops to 12 hours in a week and 6 weeks in a year. Moreover in factories no juvenile may be employed for more than 10 hours, inclusive of overtime, in any one day, except in five-day week factories, where juveniles of 16 and over may be employed up to $10\frac{1}{2}$ hours in a day.

230 The question of additional hours is closely related of course to the questions of the maximum working week and the maximum working day. Additional hours are hours in excess of these statutory maxima. If juveniles are required to work additional hours regularly the effect is to defeat the purpose for which these maxima were fixed. The possibility of limits being made ineffective in this way by employers prepared to evade the spirit of the law while remaining within it led several organisations to suggest to us that additional hours should be completely banned. We consider however that on occasions additional hours are a legitimate and necessary expedient to overcome special difficulties. Contingencies which can be coped with only in this manner may arise either from seasonal pressure or from unforeseen emergencies resulting perhaps in general overloading or perhaps in a temporary bottleneck in factory operations. For these reasons we cannot recommend that additional hours should be altogether prohibited.

231 We propose however that they should be more strictly limited and made more nearly uniform than at present. We are satisfied that in factories the existing restrictions on the number of additional hours which may be worked in a year should remain, but in all other regulated occupations 50 hours in a year should be the maximum for any juvenile. In all regulated occupations there should be a general limit of 6 hours in any week: the present 12 hours allowed for shops seems to us to be too much, especially if averaging is allowed at the Christmas season, as we have recommended in paragraph 214. The number of weeks in the year during which additional hours may be worked should also be limited in these occupations to not more than 25.

232 In addition to these general restrictions the ban should continue on the employment of juveniles in factories for more than 10 hours, inclusive of overtime, in a day, and we recommend that the exception at present made

for five-day week factories, which allows a 10½-hour day to be worked there, should be abolished. On the other hand we think that the prohibition of additional hours for fifteen-year-olds in factories, shops, and 1938 Act employments should be removed, and all juveniles in these occupations should be treated alike. In paragraph 210 we have already expressed the view that there is little reason for making a distinction between the under 16 and the 16-18 age-groups, and the number of additional hours per week permitted for all juveniles in these occupations will be reduced from 12 to 6 if our recommendation in paragraph 231 is accepted.

233 For those employments at present unregulated which we think ought to be subjected to limitations on weekly and daily working hours (*see* paragraph 223) we recommend the limitation of additional hours to 50 in any year and 6 in any week, with the restriction of the number of weeks during which they may be worked to 25 per annum. These are the maxima that we have proposed for all regulated occupations except factories.

MAXIMUM PERIOD, FROM START TO FINISH, OF EMPLOYMENT IN A DAY

234 The factory code does not only restrict the total number of hours which may be worked by a juvenile in any one day. It also limits the period from the start to the finish of his employment during a day—a period which includes, in addition to actual working hours, all intervals for meals, rest and other purposes. (Lads employed on repair work are exempted from this restriction under Section 88 of the Factories Act.) This period must not exceed 11 hours or 12 in factories which operate a five-day week. In this way protection is given to the employee against his working hours being spread over a long period by the interpolation of spells off duty in the course of the day. In mines and quarries a minimum interval of 12 hours (under 16) or 11 hours (16 and over) between two periods of work is required, and at coal mines youths of 16 and over employed at night must be given an interval between shifts which must ordinarily amount to 15 hours and must never be less than 13 hours. For regulated occupations other than factories, mines, and quarries the appropriate Ministers have powers to make regulations in order to prevent any objectionable "spread-over," but no such regulations have in fact been made.

235 Some witnesses advocated the general application of restrictions on the lines of those which at present apply in factories. In order to give more complete protection to the young employee they suggested that provision should be made for his working hours in a day to be reckoned as being continuous from his starting time, except for meal intervals specified in advance by the employer. If this method of calculation were adopted the restriction of the maximum working hours per day would effectively limit the period from the start to the finish of employment during that day. Spells off duty, other than the specified meal intervals, would (it was suggested) count as working hours, and employers would be prevented from lengthening the daily period of employment by interpolating them.

236 The allegation that existing restrictions are inadequate was not substantiated however by any instances of abuse. In factories, where schemes of work are fixed in advance, the present statutory requirements can be fully enforced, and we recommend no change in them, except the abolition of the longer period allowed in five-day week factories. Elsewhere enforcement must be much more difficult in the absence of fixed schedules of hours, but evidence of unfair practices was lacking and we consider that it should be sufficient to confer regulation-making powers on the ministers concerned, so that they can deal with any abuses which may occur.

SPELLS OF WORK AND INTERVALS

237 The commonest existing restriction on periods of continuous employment is that they should not exceed 5 hours: this is the maximum spell ordinarily permitted for all juveniles in shops, 1938 Act occupations, and on outside work at factories, docks and warehouses, and for boys under 16 and females employed in quarries and above ground at mines. In factories the maximum is 4½ hours, or 5 if a "rest pause" of 10 minutes is allowed in the spell. No limits exist for persons employed underground in mines.

There are exceptions to these rules. In factories youths may work a 5-hour morning spell without a break if they are employed along with adults and their assistance is necessary to enable work to continue: in shops a 5½-hour spell is allowed on the weekly half-day; and in those catering businesses which have adopted the provisions of the Shops Act, 1913, a 6-hour spell is permissible.

238 The minimum interval between spells most commonly prescribed in regulated occupations is 30 minutes, which is required in factories (both inside and outside employments) and 1938 Act employments, and for boys under 16 and all females at quarries and above ground at mines. Only 20 minutes is required in shops. A longer break has to be given for the mid-day meal in shops, in 1938 Act employments, and on outside work at factories; the statutes lay down that at least 45 minutes (one hour in shops if the meal is not taken on the premises) must be allowed where the hours of employment include the hours from 11.30 a.m. to 2.30 p.m. In addition, the tea interval in shops where the hours of employment include 4 p.m. to 7 p.m. must be not less than 30 minutes.

No restrictions apply in respect of juveniles of 16 and over employed at mines and quarries, whether above or below ground; and exclusively family businesses are exempt from the Shops Act requirements.

239 We consider that the normal Factories Act requirement should be applied generally, i.e., that the maximum spell in regulated occupations should be 4½ hours, or 5 hours if a rest pause of 10 minutes is allowed during the spell. There should be no exceptions allowing a longer spell on the weekly half-day in shops, or in the catering industry. The exemption of family shops however seems unavoidable. Further, in the type of factory where a 5-hour morning spell is worked, and the juvenile employees cannot be released simultaneously for a statutory break without bringing all operations to a standstill, the 5-hour spell must be permitted to continue; but we recommend that ministerial regulations should require employers to arrange for each juvenile so employed to have a short break for refreshments during his long spell.

240 As regards intervals between spells, other than the dinner interval in the middle of the day, we recommend that 30 minutes should become the minimum, shops being brought into line by an increase from 20 minutes.

The mid-day interval, at which the main meal is taken, presents a special problem. The young worker ought to have enough time not only to eat a meal but also to have a little freedom afterwards. The 45 minutes at present prescribed in some occupations is not too long for this purpose, and certainly should not be reduced. But there are objections to requiring a 45 minutes interval to be given in other types of employment. Where no amenities exist for the eating of meals or for leisure afterwards, as for example underground at mines and outdoors in most quarries, a short break for food is all that is required. Elsewhere, for instance in factories, other considerations may necessitate or justify an interval of not more than

half an hour at mid-day. Processes on which work cannot be left for longer ; shifts ending in the early afternoon ; transport difficulties demanding an early finish to the day's work: all these factors pull in that direction. We have come to the conclusion that a mid-day interval longer than 30 minutes cannot be required by law in these other occupations. In practice we know that at many workplaces the dinner interval does extend to 45 minutes or one hour, particularly where there is no canteen and the employees have to leave the premises for their meal, and these arrangements will of course be continued whatever the statutory minimum.

241 Our proposals about intervals are therefore that a minimum break of 30 minutes should be prescribed between spells for all occupations for which maximum weekly and daily working hours have already been recommended ; and that, where the hours of employment include the hours from 11.30 a.m. to 2.30 p.m., in all these employments, except factories, mines and quarries, and any analogous occupations at present unregulated, at least 45 minutes (one hour in shops if the meal is not taken on the premises) must be allowed during this period.

242 One minor point in relation to meal intervals deserves mention. Under the First Schedule to the Shops Act of 1912 an assistant employed in the catering trade, or in a shop on market or fair days, need not be allowed his dinner interval between the hours of 11.30 a.m. and 2.30 p.m., provided that the interval is so arranged as either to end not earlier than 11.30 a.m. or to begin not later than 2.30 p.m. The reason for this relaxation is obvious but we think that it may bear hardly upon adolescents, who need regular meals. Public eating habits have changed somewhat in recent years, and it is unlikely that much difficulty would be occasioned by the abolition of this exception. We accordingly recommend that it should be abolished, for juveniles only.

NIGHT INTERVAL: EARLIEST STARTING AND LATEST FINISHING TIMES

243 For industrial occupations the restrictions imposed by the 1920 Act have already been described in paragraph 169. The general rule is that in factories (with some exceptions), mines (except coal mines), quarries, building and civil engineering, and most road and rail transport, juveniles must have a night interval of at least 11 hours and must not be employed during the period between 10 p.m. and 5 a.m. We understand however that the interpretation of this requirement in railway employment is not clear and that in fact some of the 4,000 juveniles of 16 and over at present employed as engine cleaners, firemen and signal boys are being called upon to undertake night work.

These provisions of the law have been supplemented by the Factories Act of 1937 for establishments falling within its scope. The act lays down an earliest starting time of 7 a.m., and latest finishing times of 8 p.m. for juveniles of 16 and over and 6 p.m. for those under 16. Exceptions are permitted, under ministerial authorisation, allowing a start before 7 a.m. but not before 6 a.m. to meet the exigencies of the trade or the convenience of the workers ; also, where day-shifts systems are worked, under ministerial authorisation, juveniles of 16 and over may start not earlier than 6 a.m. and finish not later than 10 p.m. In addition, continuous day and night shifts may be worked by juveniles of 16 and over employed in certain industries where processes are continuous.

Special provisions also govern employment at mines, which was left largely unregulated by the 1920 Act: above ground boys under 16 and all females must have a night interval of at least 12 hours and may not

be employed between 9 p.m. and 5 a.m., and youths of 16 and over may not be employed between 10 p.m. and 5 a.m.; below ground, where no females may be employed, boys under 16 must have an interval of 7 consecutive hours between 10 p.m. and 6 a.m.

244 In June/July, 1948, the International Labour Conference held at San Francisco adopted a Convention (No. 90)* on night work in industrial employment, to supersede the 1919 Convention on which the 1920 Act was based; and we have been asked whether we recommend legislation to enable this Convention to be adopted in Great Britain.

The new Convention applies to much the same occupations as the old. It extends the night interval in these occupations from 11 hours to 12. It also extends the night period during which a juvenile under 16 may not be employed, prescribing 10 p.m. to 6 a.m.—instead of 10 p.m. to 5 a.m. In relation to juveniles of 16 and over, on the other hand, instead of prescribing a closed period of 10 p.m. to 5 a.m, the new Convention provides that the 12 hours night interval shall include an interval, prescribed by the competent authority, of at least 7 hours falling between 10 p.m. and 7 a.m.; adding that the competent authority may prescribe different intervals in different areas, industries, or undertakings, but must consult the employers' and workers' organisations concerned before prescribing an interval beginning after 11 p.m. In effect this alteration would make it possible for a juvenile of 16 and over to work up to 11 p.m., or up to midnight if both sides of the industry agreed.

We welcome the proposed increase of one hour in the length of the night interval and also the proposed extension of the closed period for juveniles under 16. An earliest starting time of 6 a.m. and a latest finishing time of 10 p.m. seems to us to be reasonable standard requirements and we should be sorry to see these limits departed from unless exceptionally. We recognise however that a strong case exists for permitting older juveniles to work until 11 p.m., or even until midnight, in some branches of industry where shifts are operated. If later hours are confined to these industries, and the safeguard of consultation provided in the Convention is adopted, we regard them as justifiable. We therefore recommend that steps should be taken to enable the Convention to be ratified.

245 Otherwise we do not recommend any modification of the existing restrictions for factories or at mines. But in regard to the exceptions which permit night work in mining and certain continuous industrial processes we wish to record our emphatic opinion that juveniles ought not to be employed on night shifts. We were told that the dislocation that would be caused by prohibiting night work by juveniles in these industries would be so serious that it might aggravate the country's present economic difficulties. About that we are not competent to express an opinion; as we have said in paragraph 2 we are deliberately and consistently ignoring the factors that might make some of our recommendations not immediately practicable. But that night work by juveniles is an evil we have no doubt whatever, especially when it is continuous for weeks or even months, as it now is, we are told, in some parts of the coal mining industry; and we recommend that it should be generally prohibited as soon as possible.

246 It was represented to us by the Railway Executive that night work by juvenile engine cleaners and firemen, and by signal boys, is also essential during the prevailing labour shortage. Although we cannot assess the practical difficulties of doing without them, we are not convinced that the case for the continued night employment of juveniles in these capacities is

* Cmd. 7638 (H.M.S.O. Price 2*s.* 0*d.*)

sound or even as strong as in mines or continuous process factories. Whatever doubt may exist about the interpretation of the International Conventions, their intention is clearly to prohibit such employment, and we feel sure that the practical objections to immediate prohibition should be subjected to a thorough examination before they are accepted. If it should then be decided to grant some temporary exemption for railway employment, we consider that special arrangements should be made at once to ensure that the health and welfare of young railway employees who work at night are adequately safeguarded.

247 In non-industrial occupations at present subject to statutory restrictions the normal requirement is that an interval of 11 hours including the period between 10 p.m. and 6 a.m. must be granted. Exceptions are allowed under the Shops Acts from the fixed hours, although not from the prescribed 11-hour interval: thus juveniles of 16 and over may be employed until midnight in the serving of meals, until the end of performances in theatres and cinemas, and from 5 a.m. in connection with the collection or delivery of milk, bread and newspapers.

248 Our attention has been drawn to a Convention (No. 79)* on night work in non-industrial occupations adopted by the International Labour Conference held at Montreal in September/October, 1946, the Night-Work of Young Persons (Non-Industrial Occupations) Convention, 1946, which is at present before Member States for ratification. We have examined its provisions in order to decide whether we should support their adoption in Great Britain.

In the case of juveniles between 15 and 18 the Convention requires a minimum interval of 12 hours, including the period between 10 p.m. and 6 a.m., or, in exceptional circumstances affecting a particular branch of activity or a particular area, 11 p.m. and 7 a.m. The restriction may be suspended for juveniles of 16 and over when the national interest demands in a serious emergency. Exemption by temporary individual licence may be granted to juveniles of 16 and over where the special needs of vocational training so require, subject to a minimum period of rest of 11 hours, and to all juveniles appearing as performers in public entertainments or in the making of films, provided that they are not employed after midnight, that they have a minimum rest period of 14 hours, and that there are strict safeguards to protect their health and morals and to avoid interference with their education.

249 These requirements do not appear to be unduly stringent, and we recommend that the necessary legislation should be passed to enable the Convention to be ratified. A night interval of less than 12 hours for juveniles must be most unusual at present, and its prescription by statute is unlikely to do more than eliminate a few undesirable arrangements of working hours. The catering trade might well be regarded as a branch of activity in which exceptional circumstances justify employment up to 11 p.m., a limit which we think ought to be substituted for the present hour of midnight. At theatres and cinemas young employees in Shops Act occupations might be similarly restricted, as performances normally end before 11 p.m. The other existing exception, for early morning deliveries, should in our opinion be abandoned. Juveniles should not have to be at their places of work as early as 5 a.m. and it ought to be possible to make reasonably satisfactory arrangements for morning deliveries without this.

250 The proposals we have made do not go so far as some of our witnesses suggested. There is a body of opinion in favour of fixing a latest finishing time of 6 p.m. or 7 p.m. for all juveniles. It was argued that these stopping

* Cmd. 7185 (H.M.S.O. Price 2*s.* 6*d.*)

times were normally required in factories, and that the young employee could not otherwise be assured of the opportunity to take part in organised social activities held during the evenings. But in fact it would be impracticable to prescribe such an hour for non-industrial occupations without making a very large number of exceptions. There are numerous employments, such as the catering trade, the entertainment industry, and residential hotels, in which evening hours have to be worked to meet public needs, and if juveniles were excluded several avenues to regular employment would be regrettably restricted.

WEEKLY HALF-HOLIDAY

251 Existing legislation prescribes one half-holiday in each week for juveniles in regulated occupations, with the following exceptions: youths of 16 and over working above ground at mines and quarries, and all youths employed underground in mines, young shop assistants employed for less than 25 hours per week, juveniles employed in theatres who do not start work before noon on any day in the week, and young workers in catering establishments where the Shops Act, 1913, has been adopted, in whose case 32 whole holidays on week-days are required in each year. (These must include six consecutive days' annual holiday, but otherwise two half-holidays may be substituted for a whole holiday.)

252 The hour from which the half-holiday shall run varies according to the regulated occupation. Inside factories it is 1 p.m., unless a day-shift system has been authorised, where it is 2 p.m. ; above ground at mines and quarries (where the holiday must be given on Saturdays) it is 2 p.m. ; in outside employments in factories, and in occupations governed by the 1938 Act, it is 1 p.m. ; in Shops Act employments it is 1.30 p.m., except in catering establishments where the 1913 Act has been adopted, where it is 3 p.m. subject to a maximum period of employment of 6 hours including an interval of at least 45 minutes for a meal.

253 We consider it to be important that juveniles should have one half-day in a week free for recreation ; in the dark months it will normally provide them with their only opportunity for outdoor games. The single exception which we would allow in occupations at present regulated are theatre employees who have all their mornings off duty. We recommend that a weekly half-holiday should also be required in all unregulated occupations for which we have proposed maximum hours, except in those in which—as in theatres—juveniles have every morning off. We understand that this requirement may give rise to some difficulties on the railways but we cannot believe that they are insuperable.

We intend these recommendations to apply only to full-time employees. If juveniles are employed part-time they are automatically assured of leisure during the hours of daylight. The law on this point should therefore be framed on the same lines as the provisions which apply to young shop assistants ; only juveniles employed for more than 25 hours per week should be entitled to a weekly half-holiday.

Incidentally, it is anomalous that adult shop assistants who are employed for less than 25 hours, unlike juveniles in the same position, are entitled to a weekly half-holiday under the existing law.

254 We recommend that 1 p.m. should be fixed as the hour for the termination of morning employment everywhere except at mines and in shops. At mines 2 p.m. has been fixed to suit the shift system, and the hour cannot be altered because of the arrangements which must be made for transporting

men and lads together home from outlying pits and for winding up along with the men those juveniles who work underground. The present 1.30 limit for shops has been prescribed partly on account of the provisions which permit customers already on the premises to be served up to 30 minutes beyond 1 p.m., when shops must close for the weekly half-day, and in part because the shop must be tidied up after the 1 p.m. closing hour. If the young assistant is to take his fair share of the work it must not be made illegal for him to stay until 1.30 p.m.

WEEKLY REST DAY

255 In regulated occupations a weekly day of rest is generally required by statute. Thus juveniles may not be employed on Sunday in or at factories, except either on maintenance work (under Section 88 of the Factories Act, 1937), in factories dealing with fish, fruit and vegetables (under Section 13 of the Factories Act, 1948), or, by ministerial regulations made under Section 95 of the Factories Act, 1937, at establishments handling milk products. Above ground at mines, and at quarries, Sunday work is prohibited for boys under 16 and for all females ; but in underground work at mines, and for lads of 16 and over employed above ground there or at quarries, there is no prescribed rest day. In 1938 Act employments juveniles may not be employed on Sundays unless a whole holiday is given in lieu during the week immediately preceding or following. As regards shops, the Sunday Trading Restriction Act, 1936, which does not apply to Scotland, provides (subject to minor exceptions) that if an assistant is employed for more than 4 hours on a Sunday about the business of a shop which is open for the serving of customers he must be given a whole holiday in lieu during the week immediately preceding or following the Sunday in question, and must not be employed on more than two other Sundays in the same month, or if the Sunday employment lasts for less than 4 hours he must be given a half-holiday in lieu during the preceding or following week. In shops which are catering establishments where the Shops Act, 1913, has been adopted 26 whole holidays must be given on Sundays in every year, in such a way that one of every three consecutive Sundays is a whole holiday. Like the Factories Act, the Shops Acts contain special provisions enabling employees of the Jewish Faith to substitute Saturday for Sunday as their day of rest.

256 No one, we imagine, will doubt that all juveniles ought to have a weekly rest day. But we fear that the exceptions at present allowed for factories, to which we have referred in the last paragraph, are inescapable. At mines however we understand that the only juveniles who are required on Sundays are those employed on repair work as members of the regular maintenance staff, and the exception from the general rule of no employment on Sundays should be confined to these lads. We consider that all other exceptions should be abolished and recommend that ministerial regulations should prescribe that one rest day per week (not necessarily Sunday) should be given to lads employed on maintenance work at mines and factories and for juveniles working in factories which handle fish, fruit, vegetables or milk products. At quarries the prohibition of Sunday work should be extended to cover lads of 16 and over. As regards shops we advocate the removal of the two qualifying conditions for an alternative whole holiday, that the juvenile must have been employed for more than 4 hours, and that the shop must have been open for the service of customers. The 1938 Act does not lay down the first of these conditions, and in our view a great part of the value of the rest day is lost if a juvenile is not free for the whole of it: attendance at his place of employment breaks into his day and must interfere with his

freedom for his own pursuits. So far as the second condition is concerned, it seems to us immaterial from the employee's point of view whether the shop is open or not: if he is called upon to attend there for any purpose on a Sunday we think he should be entitled to a whole day's holiday in lieu. We also recommend that this provision of the 1936 Act, as amended, should be made applicable to Scotland.

257 In extending the requirement for a weekly rest day to occupations at present unregulated for which it is practicable to prescribe restrictions, we consider that the 1938 Act code could most appropriately be followed. No doubt Sunday will be chosen as the rest day in the great majority of cases, but the alternative of substituting a week-day should be permitted to meet the needs of employments in which some Sunday work may be unavoidable, and to cover the special position of those professing the Jewish Faith.

This requirement may present some difficulties on the railways, where agreements with the Trade Unions do not permit of the inclusion of Sunday in the working week, but this obstacle should clearly not be allowed to stand in the way of a weekly rest day being given to juveniles either on Sunday or on another day in lieu of Sunday.

ANNUAL HOLIDAYS

258 We regard the matter of annual holidays as being different in kind from those which we have so far been discussing. It raises social issues which do not affect young members of the community alone. The length of holiday periods, their dates, and the question whether they shall be paid or unpaid, are largely determined by the Holidays with Pay Act, by custom, and by trade agreements. In the result, various different arrangements are made for particular localities, for separate occupations, and even for individual establishments although as a rule at least six whole holidays on weekdays (usually on national or local holidays) are allowed to young workers as well as to other employees.

259 We received no evidence that these arrangements operated to the detriment of juveniles, nor was it represented to us that it is not customary in any occupation to allow adequate annual holidays to young employees. We feel that it is scarcely practicable to make general recommendations applicable to groups of occupations, and consider that it is sufficient to leave the matter to be settled by agreement and custom, or (if statutory intervention should be thought desirable) by further holiday legislation applying to adults as well as to juveniles.

RESTRICTIONS REQUIRED WHEN COUNTY AND JUNIOR COLLEGES ARE ESTABLISHED

260 The provisions contained in the Education Acts requiring the attendance of juveniles at these colleges, and some of the problems which will arise when they come into force, have already been mentioned in paragraphs 190 and 191.

We agree that the general restrictions on juveniles' employment should be supplemented in order to ensure that those who attend colleges during weeks when they are also working will not be over-burdened. The young employee ought to be given every opportunity to benefit from part-time instruction, and his working hours should be arranged accordingly. We expect that in practice this will be achieved in large measure by consultations

between education authorities and employers: it is obviously important that the precise times to be fixed for the college attendance of particular juveniles, or groups of them, should be locally adjusted so as to avoid unnecessary dislocation of work on the one hand, and hardship to the young people on the other. Nevertheless, we think that there is a need for general conditions, prescribed by statute or by regulations, to form the framework within which local schemes may be devised.

261 We recommend that, before the county and junior colleges come into operation, provision should be made, either by statute or by regulations, for prohibiting the employment of a juvenile before a morning session at college, and after an afternoon session ; for ensuring that a juvenile employed on a shift system is not required to attend college on a day (midnight to midnight) on which a night shift begins or ends ; and possibly for securing adequate intervals between morning employment and afternoon classes, or *vice versa.*

STREET TRADING

262 The inclusion of the provisions relating to this occupation in the Children and Young Persons Acts (*see* paragraph 179) is a recognition of the fact that they are required mainly as a safeguard against the special dangers which street trading may present to the moral welfare and employment prospects of a boy or girl. There are certain obvious moral dangers, particularly for girls, and we understand that street trading is often a blind-alley occupation and one which may tend to create a distaste for more regular work. On the other hand street trading is frequently a family concern, so that the young trader is under the care of his parents and has prospects of succeeding to a share in the business.

263 We accept the need for control of employment in street trading. It was suggested to us that this should be exercised nationally, in order to ensure uniformity both in the degree of regulation and in the hours during which trading is permitted. We have however no evidence to show that the existing arrangements operate unsatisfactorily and we do not feel called upon to recommend any alteration to the system of control by local authorities' by-laws.

264 We were informed that the only known reason for the difference between Scotland and England in the age below which juveniles may not be employed (except, under local by-laws, by their parents) is that Scotland is colder. In our view this does not justify the difference, and we recommend that in England and Wales as in Scotland the lower age limit should be 17, unless local circumstances warrant the making of by-laws permitting juveniles below that age to be employed in a particular area by their parents.

We recommend one other safeguard for juvenile street traders. 62 of the 90 local education authorities which have made by-laws in England and Wales prohibit street trading by juveniles on Sundays. We suggest that this prohibition should be made universal by statute. It is true that in England and Wales a shop assistant may be employed on a Sunday if he is given a holiday on another day of the week (*see* paragraph 255), but similar provisions could not be applied to street traders because of the difficulty of enforcement, and if juvenile street traders are to be assured of one day of rest each week their employment on a Sunday must, we think,

be prohibited by law. The prohibition should not apply however to employment at a stall, barrow or other vehicle regularly used on the same site for trading purposes if the occupier is allowed under the Sunday Trading Restriction Act to trade up to 2 p.m. on Sundays provided that he closes on Saturdays: juveniles employed by such street traders will have a whole holiday on the Saturday, which should be enforceable.

DOUBLE EMPLOYMENT

265 Double employment is a complication that affects both the formulation of restrictions on working hours and their enforcement. Double employment of a juvenile can occur either where he is engaged on two kinds of work under the same employer or where he works for two employers, whether at the same type of job or at different ones. Neither arrangement is inherently undesirable but both make it difficult to devise practicable safeguards against the employment of the juveniles concerned for hours which are too long or are badly arranged.

266 It is easier to cope with double employment by a single employer, and much has already been done in that direction. The Factories Act prohibits the employment of a juvenile outside a factory, in the business of the factory or any other business carried on by the factory-occupier, on any day during which he is employed in the factory. An exception permits a juvenile of 16 or over to be so employed in a shop, provided that the restrictions in force for employment inside the factory are observed in relation to both employments taken together. The Shops Act, 1934, as amended by the 1938 Act, applies the Shops Acts restrictions to all juveniles who are employed about the business of a shop and also in another shop, a factory, or in a 1938 Act occupation. Under the 1938 Act a juvenile's hours of work are restricted in respect of any two employments regulated by that act, and also where there is a combination of work in such an employment with unregulated employment (except in agriculture or in a ship).

267 It is more difficult to devise practicable restrictions on employment by more than one employer. Limitation of the aggregate hours of the two employments in such cases has been attempted only in the Shops Act, 1934, which makes a shop-keeper responsible for avoiding in any week (or in a period of two or three weeks) hours in excess of those normally permitted for the week or period, where his young assistant has also been employed during that time by another employer in any other shop, or in a factory, or in employment regulated by the 1938 Act. But he has the defence open to him that he did not know, and could not with reasonable diligence have ascertained, that the juvenile was employed elsewhere. There is another provision of the law that if the shop-keeper knows that a juvenile has been previously employed in a factory on any day, he must not on that day employ him for longer than will complete the number of hours permitted under the Factories Act.

268 We tried to ascertain to what extent juveniles at present undertake two jobs, and whether the practice had a serious effect on their welfare. Questions addressed to witnesses from government departments (including the Ministry of Labour's Factory Inspectorate) and the T.U.C. elicited that double employment was not thought to be widespread, or of a kind to be gravely detrimental to the juveniles concerned. Apparently it most commonly occurs through the addition to primary employment of work in connection with morning deliveries, at theatres and cinemas during the evenings, and in shops at seaside resorts during the summer season on Saturday afternoons.

It is possible that the reductions which we have recommended in maximum working hours might lead to some increase in double employment; juveniles who are eager to earn more money, and who have more free time from their main employment, might engage in a subsidiary occupation. Those who are most closely in touch with the situation do not consider however that this is likely to be a general consequence of a reduction in hours, and we do not fear that any such tendency will present a serious problem.

269 So far as employment in two occupations by one employer is concerned, we recommend that provisions on the lines of those contained in the existing codes should be applied to the employments to which general restrictions are extended, so as to prevent longer hours being worked in any two of them than are permitted for either. The extension in the field of restrictive legislation will in this way stop up some of the gaps which at present exist, and limit more narrowly the opportunities open to an employer to overwork young members of his staff.

270 In regard to double employment by more than one employer, we consider that it is impracticable to apply generally provisions on the lines of those contained in the Shops Act, 1934. Such arrangements cannot be reciprocal but must be binding upon one of the employers concerned, and it would be almost impossible to decide which employer should bear the obligation of seeing that the law is observed. Should it be the employer who employs the juvenile regularly, but may not know that he has already undertaken other work before he comes to him in the morning? Or should it be the subsidiary employer, who has employed the juvenile for hours which were legal in the absence of further employment, of which he had no knowledge? Neither of these alternatives is satisfactory.

Whichever alternative were adopted, enforcement would present serious difficulties, because the employee who wants to work long hours is likely to conceal from an employer the fact that he is also working for another employer. The Education Acts will require employers, when county and junior colleges are established, to notify local education authorities of the entry of juveniles into their employment, and this may perhaps enable action to be taken in individual cases to prevent double employment for hours which are excessive in the aggregate. We find it impossible to suggest any new statutory safeguards for this purpose; parents will usually be in the best position to protect juveniles against overwork on behalf of more than one employer.

PROHIBITION OF EMPLOYMENT IN UNSUITABLE OCCUPATIONS

271 We have left this question for separate discussion because, although we deem it to be within our terms of reference, it raises issues which are distinguishable from those with which we have so far been concerned—except perhaps in relation to street trading.

It was represented to us from several quarters that a number of occupations are so unsuitable for adolescents that juveniles should be prohibited from entering them. The principle of debarring boys and girls from some employments has been adopted in the Children and Young Persons Acts, under which by-laws may be made by education authorities specifying occupations in which children are not to be employed. The argument advanced before us was that this principle should be regarded as equally applicable to "juveniles," who are still at an impressionable stage and so, it was said, require similar protection against demoralising influences. It was further

suggested that, since the degree of danger does not vary with local conditions, the ban on undesirable occupations should be statutory and general and not, as in the case of children, at the discretion of the local authorities.

272 Most of the occupations to which exception was taken were regarded as involving moral dangers. Referring to these, the T.U.C. said "We would rest our case for the exclusion of young persons directly on grounds of the latter's moral welfare . . . . Whereas an adult may reasonably be expected to make his own judgment as to the effect of a particular pursuit on his welfare, a young person cannot—at least until he has acquired the elements of a sound social appreciation of these matters." The particular occupations in this category to which our attention was drawn—all of which have been proscribed for children by some sets of local by-laws—were employment in, or in connection with, the sale, supply, or delivery of exciseable liquors (except in sealed containers); in or about any race-course or dog-racing enclosure; in connection with gaming or betting—whether in an office or elsewhere; as an attendant or assistant at any fun-fair or amusement hall where automatic gambling machines are used; and as a marker or attendant in any billiard or bagatelle room, saloon or club.

273 There is already a statutory ban upon the employment of juveniles in betting business conducted at "tracks," which include race-courses and dog-racing tracks. Section 15 of the Betting and Lotteries Act, 1934, makes it illegal for a bookmaker or totalisator operator either to employ or to bet with a juvenile on any premises on which races of any description, athletic sports or other sporting events take place. This provision meets some of the representations which were made to us.

274 When we examined the other activities which were criticised on ethical grounds we found that, with one exception to which we refer in the next paragraph, there is none in which a juvenile may not legally participate as a member of the public. Adolescents are not excluded by law from fun-fairs or billiard saloons; nor are they debarred from pool betting. It is not within our terms of reference to consider whether it should be made illegal for young people to take part in such activities; we are concerned only with the occupations in which they may be employed. But it would be futile to exclude juveniles from employment in connection, for example, with a fun-fair so long as they are permitted to gamble there. Accordingly we did not consider it necessary to pursue the question of prohibiting the employment of juveniles in the occupations we have mentioned.

275 The exception already referred to relates to the consumption of intoxicating liquor. The Intoxicating Liquor (Sale to Persons under Eighteen) Act, 1923, makes it an offence for a licence-holder to supply liquor to a juvenile, or for a juvenile to buy liquor, for consumption in a bar. We regard it as anomalous that a licence-holder may nevertheless employ a juvenile in a bar; and we recommend that such employment should be prohibited by statute.

276 Apart altogether from moral dangers, some occupations involve special physical risks, and we heard suggestions that they should also be barred to young persons. The particular employment which was mentioned in this connection was window-cleaning, and we understand that for the same reason children are prohibited by by-law in some areas from engaging in this and a variety of other occupations, including employment in a coal-yard, in sweeping chimneys, or at a fish-curer's premises. We heard no evidence that would justify us in regarding any of these occupations as being so dangerous that it is entirely unsuitable for juveniles.

THE EFFECT OF THE RECOMMENDED REFORMS

277 We have now reviewed the entire field of restrictive legislation, and have made certain suggestions for the improvement of the existing regulative codes and their extension to occupations at present unregulated. If our recommendations are adopted we consider that many of the criticisms will be met which are now levelled at the present law.

278 Statutory restrictions will be extended to all occupations, with the exception of agriculture, forestry, fishing and shipping, private domestic service and outworking, for which we are satisfied that the limitation of hours by law is not practicable, and of any other particular occupation in regard to which the minister is satisfied after enquiry that an exception is justified. On the 1947 figures, some 1,600,000 juveniles will be given protection, instead of about 1,130,000: only about $7\frac{1}{2}$ per cent. of all the juveniles in employment will remain outside the statutory codes, as compared with approximately 35 per cent. as the law now stands (*see* paragraph 183).

279 Appendix C sets out the normal restrictions that we have recommended, together with the variations and exemptions which we think ought to be permitted. If that appendix be compared with Appendix B, which summarises the present position, it will be seen that our suggestions would remove many anomalies and make the law more nearly uniform.

280 The complications of the existing law will also be minimised by the proposed reduction in the number of exceptions and special variations. We do not suggest that in order to extend the restrictions to occupations at present unregulated a new act should be added to the many dealing with juveniles' employment which are already in the statute book. Our recommendation is that the 1938 Act code should be replaced by a similar measure, giving effect to the improvements we have suggested and extending to all the unregulated occupations now to be covered.

281 The modifications required to meet new developments have been fully discussed. As a result of the raising of the school-leaving age we have recommended that (with one or two minor exceptions—*see* paragraphs 212 and 244) the same restrictions should apply to all young persons, i.e., to all those between school age and 18. To meet the consequences of the establishment of county or junior colleges we have made recommendations in paragraph 261.

282 We have also suggested additional safeguards in relation to street trading (paragraph 264) and double employment (paragraph 269); and, after examining the arguments for prohibiting the employment of juveniles in certain occupations, have recommended that no juvenile should be employed in a bar where intoxicating liquor is sold (paragraph 275).

PART III

ADMINISTRATION AND ENFORCEMENT

GENERAL

283 In paragraphs 119-123 of our interim report we touched upon the administration of the Shops Acts and outlined some suggestions which we heard in evidence for the better enforcement of the law. We put on record our agreement with those of our witnesses who thought that local authorities should continue to administer the acts, and also with those who favoured the retention of the existing arrangements in the County of London. In addition we expressed the view that the Home Office and the Scottish Home Department should be given definite statutory responsibility for supervision (though without the right themselves to take over the powers of local authorities) and that local authorities should be required to report annually on the administration of the Shops Acts in their areas. More we felt unable to say until we had a clearer picture of the extent to which we would find it necessary to recommend legislation.

284 We have now reviewed conditions in seven major occupational groups and a number of miscellaneous forms of employment, and we have made our recommendations upon the hours of work of juveniles. We can therefore assess the evidence that we have received on enforcement and administration generally. In discussing this aspect of our work it will be convenient if we relate our remarks to each in turn of the major sections into which our report is divided. We begin accordingly by examining the administration and enforcement of the Shops and Public Health Acts in relation to our proposals for shops and offices.

SHOPS AND OFFICES

285 **Authorities at present responsible for enforcement of the law.** In England and Wales, as we remarked in our interim report, the duty of administering the *Shops Acts* is placed upon the Common Council of the City of London, the councils of municipal boroughs, the councils of urban districts with populations of twenty thousand or more, and elsewhere upon county councils. County councils may, with the approval of the Secretary of State, delegate their powers to excluded urban district councils or to rural district councils. Under the *Public Health Acts* on the other hand all town, urban and rural district councils are sanitary authorities, but county councils are not. Thus there are Shops Acts authorities that are not sanitary authorities and *vice versa,* and the position is further complicated in that sanitary authorities are charged with the enforcement of those provisions of the Shops Acts that are concerned with ventilation, temperature, and sanitary conveniences. It is not uncommon therefore for the washing facilities in a shop to be inspected by the officers of one authority and the sanitary accommodation by those of another, an absurdity which the Shops Act, 1934, attempts rather feebly to palliate by requiring shops acts inspectors to take note of and, if necessary, report to the sanitary authority for the district any contraventions of the health provisions for which that authority is responsible. In Scotland these difficulties do not arise as county and town councils administer both sets of acts.

286 **The sanitary and Shops Acts inspectorate.** Both sanitary and Shops Acts authorities are required to appoint inspectors to enforce the law. In England, Section 108 of the Local Government Act, 1933, empowers the

Minister of Health to prescribe by regulation, *inter alia*, the qualifications and duties of sanitary inspectors. In general the necessary qualification is a certificate of the Royal Sanitary Institute and Sanitary Inspectors Examination Joint Board. The Public Health (London) Act requires sanitary authorities to appoint "an adequate number" of inspectors and empowers the Minister of Health to require the appointment of additional inspectors if "on a representation made by the county council and after local enquiry" he is satisfied that the sanitary authorities have failed to do so. Sanitary inspectors must be certified by a body approved by the Minister as persons who have shown themselves to be capable of the office. In Scotland, the Local Government (Scotland) Act, 1947, provides that no person shall be appointed as a sanitary inspector unless possessed of such qualifications as may be prescribed by the Secretary of State.

287 Both the Home Office and the Scottish Departments concerned have told us in evidence that there is no reason to think that local authorities have proved negligent or remiss in carrying out the duties imposed upon them by the Public Health Acts, and that few if any complaints have been received from responsible bodies of their failure to enforce the health provisions of the Shops Act of 1934. There is thus already in existence throughout the country a local inspectorate whose duties, within the limits of the existing law, are intimately concerned with matters affecting the health of workers in shops and offices and, if the absence of serious complaint is a reliable criterion, have been adequately performed.

288 Enforcement of the Shops Acts (other than of the provisions administered by the sanitary authorities) is on the other hand attended by a number of difficulties from which enforcement of the Public Health Acts is free. Sanitation and health loom more largely in the public eye than do the matters with which the Shops Acts are principally concerned. In consequence there is a tendency for some authorities to devote less attention to shops legislation than they might. Again, for the purpose of enforcing the Public Health Acts local authorities are, as we have seen, required by law to appoint inspectors who are qualified for their posts by technical examination, but Shops Acts authorities are not. In point of fact in the areas of some of the smaller authorities the duties of the Shops Acts inspector are carried out by police officers, sanitary inspectors, inspectors of weights and measures, beadles, and even car-park and beach attendants, sometimes for a nominal sum in addition to the payment they receive for their services in their other capacities. It is scarcely surprising therefore that the standards of administration vary considerably. The National Association of Shops Acts Inspectors has told us that they are attempting to improve the standard by setting up within their own organisation a system of examining boards, possession of whose certificates of proficiency will in future, they hope, be made a condition of employment as a Shops Acts inspector. But it is not for us to comment upon particular schemes : the substantial problem for us is to assess the merits of central and local systems of enforcement.

289 **Witnesses' suggestions for the future administration of the law.** Some of our witnesses thought that local enforcement of shop and office legislation should be replaced by a central inspectorate under the control in England of the Home Office and in Scotland of the Scottish Home Department. In expressing these views they were no doubt influenced by a desire for uniform standards of administration and the deservedly high reputation enjoyed, both individually and collectively, by the Factory Inspectorate. Superficially it is an attractive proposal and one which has the great virtue of

simplicity, but on closer examination drawbacks are apparent which outweigh the advantages. A central inspectorate would entail the creation of a new body of officials without, we think, effecting a corresponding reduction in the number of those employed by local authorities since there would still remain duties, outside the scope of this report, which would have to be performed under the Public Health Acts by local sanitary inspectors. There is little doubt also that a transfer of responsibility to the central government would mean a loss of local interest in a field where it is desirable to stimulate it. We remain of opinion therefore that enforcement should be a matter for local government.

290 The National Amalgamated Union of Shop Assistants, Warehousemen and Clerks made a number of suggestions to us for the better enforcement of the Shops Acts. They were (1) that the Home Office and Scottish Home Department should be given statutory authority to supervise the administration of the Shops Acts and that they should establish regional offices and publish reports ; (2) that provision should be made for ensuring effective enforcement by local authorities and that in cases of neglect the Home Office or Scottish Home Department should have power to act ; (3) that local authorities should publish annual reports on Shops Acts enforcement ; (4) that full-time Shops Acts inspectors should be appointed ; (5) that standards of suitability and salaries for inspectors should be laid down by the two departments ; (6) that appointments ought to be subject to the approval of the central departments and that no dismissal should be permitted without their consent ; (7) that penalties for infringements of the Shops Acts ought to be greater ; and (8) that magistrates be advised of the desirability of proper penalties being awarded.

291 As regards the appointment of full-time inspectors, their suitability for the work, and the salaries which should be paid to them, we have already indicated that we do not think it is for us to designate the local authority officers who should be responsible for administering particular acts of Parliament, nor do we think that a case has been established for requiring the appointments and dismissals of whoever may be charged with the duty of enforcing shop and office legislation to be subject to the approval and consent of the central government. In our interim report we recommended that local authorities should be required to report annually on the administration of the acts in their areas and that the maximum penalties should be increased. This recommendation we confirm, but the appropriate penalty within the limits fixed by the relevant statute is solely a matter for the magistrate's decision.

292 There remain the proposals that the Home Office and Scottish Home Department should be given statutory authority to supervise the administration of the Shops Acts, that they should establish regional offices, publish reports, and be given powers to act if local authorities neglect their statutory duties. We have recalled in paragraph 283 the view which we took in our interim report that the two central departments should be given supervisory powers, and we suggest that this might be done by the appointment by the Home Office and the Scottish Home Department of a small number of officers —not necessarily on a regional basis—who will form a personal link between the central and local authorities. There would be obvious advantages if the regulations, circulars, and other correspondence arising out of the legislation which we have proposed could be readily supplemented by personal discussions between representatives of the local authorities and those of the central government. At the same time these travelling officers will acquire for the central government a better knowledge of the difficulties which

confront the local authorities and the steps which they are taking to overcome them. This, together with an annual report to Parliament by the central departments on the working of the new legislation should have a good effect on administration. We do not recommend that the central government should in any circumstances be empowered to assume direct responsibility for administering the law.

293 **Local authorities to whom responsibility for administration should be assigned.** We have thus arrived at a point where, after consideration of all our evidence, we think that enforcement of both shop and office legislation should rest with local authorities with central governmental responsibility for co-ordination and advice. It remains only for us to say to which local authorities we think the duties of administration should be assigned.

We have already commented upon the anomaly which exists today in England and Wales where some local authorities are sanitary authorities but not Shops Acts authorities and others are Shops Acts authorities but not sanitary authorities. Even in the present state of the law there seems to be little or no justification for this distinction. Now that we have recommended extensive measures of health, welfare, and safety for both shop and office workers, we think that the opportunity should be taken of getting rid of it. We therefore recommend that, except in the Administrative County of London, sanitary authorities should be responsible for the administration of all parts of the Shops Acts as well as for the new legislation that we have proposed.

294 **The Administrative County of London.** We have excepted the County of London from the recommendation because, as we pointed out in paragraph 121 of our interim report, there are serious objections to transferring the county council's powers as the Shops Acts authority for the administrative county to the metropolitan boroughs and to transfer the powers of the metropolitan boroughs as sanitary authorities to the county council would raise objections that are no less formidable. We think that unless there is a general reorganisation of local government in the metropolis, the present system of administration through separate Shops Acts and sanitary authorities should remain. But the anomaly created by Section 10 of the Shops Act, 1934 (under which questions of ventilation, temperature, and sanitary accommodation are administered by the sanitary authority while those of lighting, washing, and facilities for meals are the concern of the body administering the Shops Acts) might well be removed forthwith and we accordingly recommend that in the County of London the metropolitan boroughs should administer the whole of Section 10 of the 1934 Act in addition to such other duties as may fall to sanitary authorities elsewhere consequent upon the new legislation for health, welfare and safety that we have proposed.

HOTELS, RESTAURANTS, AND THE CATERING INDUSTRY

295 The legislation we have proposed for improving the working conditions of persons employed in the hotel and catering industry is, without exception, of a kind which in shops and offices we have already recommended should be administered by the local sanitary authority. This authority is also the appropriate one to enforce the new body of law in hotels and catering establishments.

The Theatre

296 In paragraphs 87 to 92 we outlined the existing law as it affects the theatre. We doubt if it is within our province to make proposals about the present system of licensing premises for the performance of stage plays and other theatrical performances, and we shall go no further than to express the hope that the legislature will at some time see fit to review it, in England and Wales, with the object of removing some of the complexities, obscurities, and anomalies with which it so freely abounds.

297 It is far from clear how conditions of a licence for stage plays are enforceable in England, but it appears that if the licensee of a playhouse fails to carry out the requirements of the licensing authority there are several steps, depending upon the nature of the default, which can be taken to induce compliance. If complaints are made that conditions in any theatre are such that there is a possibility of a statutory nuisance, a local sanitary authority may, after inspecting the premises, direct the owner, lessee or licensee to abate any found to exist, failing which proceedings may be taken under the Public Health Acts. Secondly, the licensing authority, if a county council or county borough council, may take proceedings under their local acts, by-laws, and regulations if an offence against any of these appears to have been committed. Thirdly, except in the areas of certain local authorities where definite powers to dispense at will with the requirement have been taken, the terms of Section 7 of the Theatres Act, 1843, provide that the responsible manager for the time being shall become bound in such penal sums as the licensing authority shall require, not exceeding £500, and two sureties each in sums not exceeding £100, "for the due observance of the rules which shall be in force at any time during the currency of the licence and for securing payment of the penalties which such manager may be adjudged to pay for breach of the said rules . . ." Lastly, all licensing authorities, with the possible exception of the Lord Chamberlain, may direct a playhouse to be closed for a breach of conditions that they have imposed.

298 These methods of enforcement are antiquated and cumbersome. As a first step towards simplification, we suggest that, at least where legislation affecting the health, welfare, and safety of employed persons is concerned, the functions of licensing and enforcement ought to be separated from one another and that enforcement should be the concern of the local sanitary authority, who ought to be in a position to deal with breaches of the terms of a licence by summoning the offender. The penalty on conviction ought, ordinarily, to be a fine and not withdrawal of the licence. That drastic penalty might well be reserved for cases where a building has become totally unsuited for the purposes of a theatre, where the omission to fulfil the licensing authority's requirements may constitute a danger to those using the premises, or where there is persistent refusal to comply with the terms of a licence. As the body responsible for enforcement, the sanitary authority should have the right to appear before the licensing authority to show cause why licences should not be granted.

299 In the case of theatres licensed for stage performances other than stage plays, enforcement is in general effected by the licensing authority summoning the offender or in extreme cases by withdrawal of the licence. The penalties vary slightly with the act under which proceedings are taken. So far as enforcement is concerned we think that there should be no distinction between the two classes of theatre and that here too the sanitary authority should be entrusted with the duty.

300 In Scotland, as we have already explained, the sanitary and the theatre licensing authorities are the same, namely county and town councils.

The sanctions against either breach of the conditions of a licence, or infringement of by-laws applicable to places of public amusement, are threefold, namely:

(1) liability to prosecution under a penalty of a fine of not more than £10;

(2) suspension of the licence under a penalty of £5 per day for continuing to open; and

(3) loss of bond (except in the counties of cities)—under the Theatres Act, 1843, in counties, and the Burgh Police (Scotland) Act, 1892, in burghs. Under the Local Government (Scotland) Act, 1947, however a county or town council can dispense with bonds, so that this sanction may not be available everywhere in future.

In addition, Edinburgh Corporation have power under a local act to revoke a licence for a breach of a by-law or of the conditions of the licence and, both in Edinbugh and elsewhere, a theatre occupier who fails to observe the conditions of a licence risks not having it renewed when he next applies.

As we have explained earlier however, outside the counties of cities neither licensing conditions nor by-laws deal at present with the health, welfare, and safety of staffs, so that the only sanctions available are those which can be used in appropriate cases against infringements of the general public health or building legislation.

Theatre licensing functions and the duties of enforcing health, welfare, and safety requirements cannot be rigorously separated in Scotland, since both are undertaken by the same authorities, but in Scotland too the sanction behind enforcement should, we think, be prosecution and not withdrawal of the licence, unless in the exceptional circumstances referred to in paragraph 298.

Greyhound Racing

301 We have made no proposals for legislation which will affect greyhound race tracks other than those relating to offices, and for the purpose of enforcing the law there is no distinction between offices at race tracks and similar places elsewhere.

RAIL AND ROAD TRANSPORT

302 In paragraph 112 we said that if an undertaking, when in private ownership, was one for which legal minimum standards ought to be prescribed, the need for them did not disappear upon its being brought under the control of a public corporation. It is clear also that, where a statutory code exists, it must be enforced by an independent authority irrespective of whether or not an industry is publicly or privately owned. We have therefore to consider in the case of rail and road transport what body or bodies should be entrusted with the duties of enforcement.

303 For shops, offices, the catering industry, theatres, and dog tracks we have suggested that local authorities should undertake this task because enforcement of the legislation that we have proposed amounts to little more than a logical extension of work that they already do, and because of the value of knowledge of local conditions. Our recommendations for transport are not substantially different; but the rail transport industry differs from

the others in that it now operates as a single unit throughout the country ; even before nationalisation the tendency on the four main line systems was towards standardisation of conditions of employment. Local knowledge is unimportant. In these circumstances the advantages of centralised administration are obvious. Moreover the inspection of many types of railway premises needs technical knowledge especially if our recommendation is adopted that the enforcement authority should have power to exempt the Commission and its Executives from the need to comply with certain minimum requirements and should itself have power to prescribe standards at places where less than six persons are employed and at signal boxes, gangers' huts etc., which are remote from service mains.

304 We are very reluctant to suggest an additional inspectorate but we are forced to the conclusion that the true analogy is with the mining industry rather than with shops and offices and that to carry out these duties effectively a centralised administration is needed. We therefore recommend that the enforcement of minimum standards of welfare and safety on all railway premises should be the responsibility of the Minister of Transport who should be empowered to establish an inspectorate for this purpose. Because road transport is at the moment in a state of flux we have been able to propose little except at vehicle depots and passenger terminal points. But we have no doubt that it will gradually become both possible and desirable to standardise conditions of employment still further and it will probably be found convenient that the scope of the new inspectorate we have proposed for railway employment should be extended to all passenger transport and long-distance haulage.

AGRICULTURE

305 Our legislative proposals for agriculture are not extensive but there must be machinery for enforcement. Some of our witnesses clearly visualised a central body of enforcement officers, comparable in numbers to the factory inspectorate, who would make periodical inspections of farms at intervals no greater than is usual in the case of factories. The Ministry of Agriculture and the Department of Agriculture for Scotland also thought that enforcement should be the concern of the central government, but suggested that the existing wages inspectorate, suitably augmented, was the appropriate body to be entrusted with the task. In making this suggestion the departments said that they had it in mind that when wages inspectors were making enquiries at farms in connection with their existing duties they should at the same time carry out any inspection which might be necessary as a result of our proposals. They might also make a certain number of additional inspections unconnected with wages enquiries, each year, but there was agreement that to arrange for agricultural holdings to be visited by the inspectorate as frequently as are factories would be impossible without augmenting their numbers very largely.

306 We agree with our witnesses that, apart from questions of sanitation (with which we have already dealt in paragraph 135), the duties of inspection should rest with the central government, but we do not think that to carry out these duties effectively it will be necessary to set up a body comparable either in size or organisation to the factory inspectorate. The solution lies, we believe, in utilising the services of some of the many technical officers employed by the central government whose work already requires them to visit farms for other purposes such as the inspection of livestock and crops. These officers possess an intimate knowledge of farm life and conditions in the areas which they visit and it should be possible for the supervision of this legislation to be added to their duties. We therefore

recommend that the enforcement staff should be drawn from such branches of the technical staffs as the Minister of Agriculture and the Secretary of State for Scotland may think desirable in the interests of the service.

HOURS OF EMPLOYMENT OF JUVENILES

Existing Machinery of Enforcement

307 In general the responsibility for enforcing the existing statutory restrictions rests in industrial employments upon the central government and in non-industrial employments upon local authorities. Thus the Factories Act requirements are enforced by the Ministry of Labour and those of the Mines and Quarries Acts by the Ministry of Fuel and Power, but the relevant provisions of the Shops Acts are administered by the local Shops Acts authorities (*see* paragraphs 285-288), and the street trading provisions of the Children and Young Persons Acts are also enforced locally (in England by the Common Council of the City of London and the county and county borough councils ; in Scotland by the education authorities). The Young Persons (Employment) Act, 1938, is enforced mainly by the Shops Acts authorities, but by the Ministry of Labour in regard to juveniles within the scope of the act who are employed on railways (except in hotels), at newspaper publishing offices and at outside receiving or despatch offices of factories, and by the Ministry of Fuel and Power in regard to juveniles affected by the act who are employed at mines and quarries. The prohibition of night employment in " industrial undertakings " under the Employment of Women, Young Persons and Children Act, 1920, is enforced by the central departments in factories, mines and quarries, but by local authorities elsewhere (e.g. on railways, in road transport, and in building and civil engineering).

308 The Ministry of Labour employs the Inspectors of Factories for this enforcement work and the Ministry of Fuel and Power uses the Inspectors of Mines and Quarries. The officers who undertake enforcement on behalf of local authorities are usually those concerned with the inspection of shops.

Central and Local Responsibilities

309 We heard no criticism of the work done in factories, mines, and quarries by the central inspectorates.

One or two witnesses suggested that the responsibility for enforcement in other fields should be transferred from the local authorities to the central government, but they did not support their arguments with any specific instances of laxity in the past. The Home Office and Scottish Home Department expressed the opinion that the local authorities concerned are alive to their responsibilities and anxious to fulfil them. No doubt the councils are stimulated in their efforts by public opinion, which is now alert and sensitive to the needs of youth. The objections which we have already mentioned (*see* paragraph 289) to centralising the administration of health and welfare provisions in non-industrial occupations apply equally to the enforcement of restrictions on the hours of juveniles in these employments. Moreover uniformity is easier to secure in the administration of hours restrictions because the statutory provisions are more specific and leave less scope for varied interpretations. We do not consider therefore that enforcement in those non-industrial occupations where hours are at present regulated should be centralised.

Nor do we favour another proposal made to us—that this responsibility should be transferred from Shops Acts authorities either to the local education authorities or to the bodies responsible for the youth employment service. The functions exercised by these authorities would not blend happily with

enforcement duties involving inspection at places of employment. Informal co-operation between them and the enforcement authorities is natural and inevitable, and no doubt it will become closer as county colleges are opened and the youth employment service expands still further.

Accordingly we recommend that the existing division of responsibility between the central and local authorities should be maintained, except that the relevant provisions of the 1920 Act should be entirely enforced by the central departments mentioned in the next paragraph.

310 As regards the employments to which we are recommending that comprehensive hours restrictions should for the first time be applied, we suggest that the duties of enforcement should be distributed between the central government and the local authorities on the same lines. The Ministry of Labour, which is concerned with health, welfare, and safety in building and most civil engineering operations, should undertake enforcement in these occupations. Geographical considerations make central administration appropriate for the railways, except for railway offices and hotels, and we think that it should be undertaken by the Ministry of Transport. Elsewhere, notably in offices, the local authorities which are to deal with health and welfare requirements should also enforce hours restrictions.

311 In the fields where the local authorities are to bear the primary responsibility for enforcement, we consider that the administrative functions of the central departments should be similar to those already recommended in connection with the enforcement of health and welfare requirements.

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312 By the death of Sir John Catlow on the 12th May, 1947, we were deprived of the counsels of a colleague who had won our affectionate regard and whose ripe judgment we had learned to hold in high esteem.

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313 We are deeply indebted to our joint secretaries, Mr. R. L. Wynn-Williams, M.B.E., of the Home Office and Mr. A. B. Hume of the Scottish Home Department. Mr. Wynn-Williams has been with us throughout the three years that we have been sitting, and Mr. Hume for more than two. The vast scope of our subject and the labyrinthine intricacies of the law about it have made us dependent on our secretaries to an unusual degree throughout our proceedings, and they have shared between them the formidable task of drafting this report. We have been singularly fortunate in being so efficiently and devotedly served.

ERNEST GOWERS
ELIZABETH CAMPBELL
NORMAN ILLINGWORTH
W. H. M. JACKSON
DAVID LOW
ELEANOR NATHAN
G. R. H. NUGENT
HARRY PLOWMAN
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A. B. HUME
R. L. WYNN-WILLIAMS
Joint Secretaries.

5th March, 1949.

APPENDIX A

EXTRACTS FROM THE FACTORIES ACT, 1937, TO WHICH REFERENCE IS MADE IN PART I

1. Every factory shall be kept in a clean state, and free from effluvia arising from any drain, sanitary convenience or nuisance, and, without prejudice to the generality of the foregoing provision—

(*a*) accumulations of dirt and refuse shall be removed daily by a suitable method from the floors and benches of workrooms, and from the staircases and passages ;

(*b*) the floor of every workroom shall be cleaned at least once in every week by washing or, if it is effective and suitable, by sweeping or other method ;

(*c*) all inside walls and partitions, and all ceilings or tops of rooms, and all walls, sides and tops of passages and staircases shall—

(i) where they have a smooth impervious surface, at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district ;

(ii) where they are kept painted with oil paint or varnished, be repainted or revarnished at least once in every period of seven years, and at least once in every period of fourteen months be washed with hot water and soap or other suitable detergent or cleaned by such other method as may be approved by the inspector for the district ;

(iii) in other cases be kept whitewashed or colourwashed, and the whitewashing or colourwashing shall be repeated at least once in every period of fourteen months :

Provided that—

(ii) where it appears to the Secretary of State that in any class or description of factory or parts thereof any of the foregoing provisions of this section are not required for the purpose of keeping the factory in a clean state, or are by reason of special circumstances inappropriate or inadequate for such purpose, he may, if he thinks fit, by order direct that those provisions shall not apply to factories, or parts of factories, of that class or description or shall apply as varied by the order.

2.—(1) A factory shall not, while work is carried on, be so overcrowded as to cause risk of injury to the health of the persons employed therein.

(2) Without prejudice to the generality of the foregoing provision, a factory shall be deemed to be so overcrowded as aforesaid, if the number of persons employed at a time in any workroom is such that the amount of cubic space allowed for every person employed in the room is less than four hundred cubic feet:

(5) In calculating, for the purposes of this section, the amount of cubic space in any room, no space more than fourteen feet from the floor shall be taken into account, and, where a room contains a gallery, the gallery shall be treated for the purposes of this section as if it were partitioned off from the remainder of the room and formed a separate room.

3.—(1) Effective provision shall be made for securing and maintaining a reasonable temperature in each workroom, but no method shall be employed which results in the escape into the air of any workroom of any fume of such a character and to such extent as to be likely to be injurious or offensive to persons employed therein.

(2) In every workroom in which a substantial proportion of the work is done sitting and does not involve serious physical effort, a temperature of less than sixty degrees shall not be deemed, after the first hour, to be a reasonable temperature while work is going on, and at least one thermometer shall be provided and maintained in a suitable position in every such workroom.

(3) The Secretary of State may, by regulations, for factories or for any class or description of factory or parts thereof, prescribe a standard of reasonable temperature (which may vary the standard prescribed by the last foregoing subsection for sedentary work) and prohibit the use of any methods of maintaining a reasonable temperature which, in his opinion, are likely to be injurious to the persons employed, and direct that thermometers shall be provided and maintained in such places and positions as may be specified.

4.—(1) Effective and suitable provision shall be made for securing and maintaining by the circulation of fresh air in each workroom the adequate ventilation of the room, and for rendering harmless, so far as practicable, all fumes, dust and other impurities that may be injurious to health generated in the course of any process or work carried on in the factory.

(2) The Secretary of State may, by regulations prescribe a standard of adequate ventilation for factories or for any class or description of factory or parts thereof.

5.—(1) Effective provision shall be made for securing and maintaining sufficient and suitable lighting, whether natural or artificial, in every part of a factory in which persons are working or passing.

(2) The Secretary of State may, by regulations, prescribe a standard of sufficient and suitable lighting for factories or for any class or description of factory or parts thereof, or for any process.

(4) All glazed windows and skylights used for the lighting of workrooms shall, so far as practicable, be kept clean on both the inner and outer surfaces and free from obstruction :

Provided that this subsection shall not affect the whitewashing or shading of windows and skylights for the purpose of mitigating heat or glare.

7.—(1) Sufficient and suitable sanitary conveniences for the persons employed in the factory shall be provided, maintained and kept clean, and effective provision shall be made for lighting the conveniences and, where persons of both sexes are or are intended to be employed (except in the case of factories where the only persons employed are members of the same family dwelling there), such conveniences shall afford proper separate accommodation for persons of each sex.

(2) The Secretary of State may make regulations determining for factories or for any class or description of factory what is sufficient and suitable provision for the purposes of this section.

21.—(1) No young person shall work at any machine to which this section applies, unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed, and—

(*a*) has received a sufficient training in work at the machine ; or

(*b*) is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

(2) This section applies to such machines as may be prescribed by the Secretary of State, being machines which in his opinion are of such a dangerous character that young persons ought not to work at them unless the foregoing requirements are complied with.

36.—(1) While any person is within a factory for the purpose of employment or meals, the doors of the factory, and of any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside.

(8) The contents of any room in which persons are employed shall be so arranged or disposed that there is a free passage-way for all persons employed in the room to a means of escape in case of fire.

37.—(1) Where in any factory more than twenty persons are employed in the same building above the first floor or more than twenty feet above the ground level, or explosive or highly inflammable materials are stored or used in any building where persons are employed, effective steps shall be taken to ensure that all the persons employed are familiar with the means of escape in case of fire and their use and with the routine to be followed in case of fire.

42.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable facilities for washing which shall include soap and clean towels or other suitable means of cleaning or drying, and the facilities shall be conveniently accessible and shall be kept in a clean and orderly condition.

43.—(1) There shall be provided and maintained for the use of employed persons adequate and suitable accommodation for clothing not worn during working hours ; and such arrangements as are reasonably practicable or, when a standard is prescribed, such arrangements as are laid down thereby shall be made for drying such clothing.

(2) The Secretary of State may by regulations prescribe, either generally or as respects any class or description of factory, a standard of suitable accommodation for such clothing and of arrangements for drying such clothing.

(3) The Secretary of State may by regulations provide for the exemption of factories from any of the requirements of this section in cases where by reason of such special circumstances as may be specified in the regulations the application of the requirement would in his opinion be unreasonable.

44. There shall be provided and maintained, for the use of all female workers whose work is done standing, suitable facilities for sitting sufficient to enable them to take advantage of any opportunities for resting which may occur in the course of their employment.

45.—(1) There shall be provided and maintained so as to be readily accessible a first-aid box or cupboard of the prescribed standard, and where more than one hundred and fifty persons are employed an additional box or cupboard for every additional one hundred and fifty persons.

(3) Each first-aid box or cupboard shall be placed under the charge of a responsible person who shall, in the case of a factory where more than fifty persons are employed, be trained in first-aid treatment, and the person in charge shall always be readily available during working hours. A notice shall be affixed in every workroom stating the name of the person in charge of the first-aid box or cupboard provided in respect of that room.

(4) If an ambulance room is provided at the factory and such arrangements are made as to ensure the immediate treatment there of all injuries occurring in the factory, the chief inspector may by certificate exempt the factory from the requirements of this section to such extent and subject to such conditions as he may specify in the certificate.

53.—(1) No work shall be carried on in any underground room (not being an underground room used only for the purpose of storage or for some purpose excepted by order of the Secretary of State) which is certified by the inspector for the district to be unsuitable for the purpose as regards construction, height, light or ventilation, or on any hygienic ground, or on the ground that adequate means of escape in case of fire are not provided :

Provided that, where the inspector certifies as unsuitable any room which is in actual use, he shall suspend the operation of the certificate for such period as he considers reasonable with a view to enabling the occupier to render the room suitable or to obtain other premises.

(2) (*a*) the occupier shall, before the room is used for work for which it may be certified as unsuitable under this section, give notice in the prescribed form and containing the prescribed particulars to the inspector for the district ;

(3) If the occupier is aggrieved by any decision of an inspector under this section, he may, within twenty-one days of the date of issue of the certificate or the refusal of the consent, as the case may be, appeal by way of complaint to a court of summary jurisdiction, and, pending the final determination of an appeal against a decision under subsection (1) of this section in the case of a room in actual use, no offence shall be deemed to be committed under that subsection in respect of the room to which the appeal relates, and the decision of the court shall in all cases be binding on the occupier and the inspector.

(4) In this section the expression " underground room " means any room which or any part of which is so situate that half or more than half the whole height thereof, measured from the floor to the ceiling, is below the surface of the footway of the adjoining street or of the ground adjoining or nearest to the room.

56.—(1) A young person shall not be employed to lift, carry or move any load so heavy as to be likely to cause injury to him.

(2) The Secretary of State may make special regulations prescribing the maximum weights which may be lifted, carried or moved by persons employed in factories ; and any such regulations may prescribe different weights in different circumstances and may relate either to persons generally or to any class of persons or to persons employed in any class or description of factory or in any process.

60.—(1) Where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories is of such a nature as to cause risk of bodily injury to persons employed in connection therewith, or any class of those persons, he may, subject to the provisions of this Act, make such special regulations as appear to him to be reasonably practicable and to meet the necessity of the case.

157.—(2) The provisions contained in Part II of the Third Schedule to this Act (being provisions of the Factory and Workshop Act, 1901, of which the administration was transferred as aforesaid but which do not apply in England outside the administrative county of London, set out with the necessary modifications) shall have effect in Scotland and in the administrative county of London in lieu of the corresponding provisions repealed by this Act, and shall be enforced by the district council.

THIRD SCHEDULE

Part II

61. If the occupier of a factory knowingly allows a woman or a girl to be employed therein within four weeks after she has given birth to a child, he shall be liable to a fine not exceeding three, or if the offence was committed during the night five, pounds for each person so employed, and in the case of a second or subsequent conviction within two years after the last conviction for the like offence not less than one pound for each offence.

APPENDIX B

ANALYSIS OF EXISTING STATUTORY RESTRICTIONS ON THE HOURS OF EMPLOYMENT OF JUVENILES

Nature of Restriction	In Factories	Outside at Factories, and in connection with Docks or Warehouses	At Mines	At Quarries	In Shops	In Employments governed by the Young Persons (Employment) Act, 1938
(1) *Maximum working hours in a week.*	16 *and over*—48 hours. *Under* 16—44 hours. (*Exceptions:* (1) Lads employed on repair work. (2) Shift-workers of 16 and over in certain industries, within maxima of 56 hours in one week and 144 in three successive weeks. (3) Juveniles of 16 and over in factories handling fish, fruit, vegetables and milk, within a maximum of 54 hours).	16 *and over*—48 hours. *Under* 16 — 44 hours.	*Above ground: Boys of* 16 *and over*—No restriction. *Boys under* 16 *and all females*—54 hours. *Below ground (no females): Coal mines*—54 hours. *Metalliferous mines* — Boys under 16—54 hours.	*Boys under* 16 *and all females* — 54 hours.	16 *and over*—48 hours. *Under* 16—44 hours. (*Exceptions:* (1) *Under* 16 — At Christmas hours may be averaged over two weeks, within maxima of 48 in one week and 88 in the fortnight. (2) 16 *and over*—In the catering trade hours may be averaged over a fortnight 12 times per annum, within maxima of 60 per week and 96 in the fortnight. (3) 16 *and over*—In garages hours may be averaged over periods of 3 weeks, within maxima of 54 per week and 144 in 3 consecutive weeks).	16 *and over*—48 hours. *Under* 16 — 44 hours.
(2) *Maximum working hours in a day.*	9 hours. (*Exceptions:* (1) 10 hours in 5-day week factories. (2) Lads employed in repair work. (3) Shift-workers of 1 and over in certain industries. (4) Juveniles of 16 and over in factories handling fish, fruit, vegetables and milk).	None.	*Above ground: Boys under* 16 *and all females*—10 hours. *Below ground (no females):* *Coal mines*—7½ hours plus winding time. *Ironstone, shale and fireclay mines*— 8 hours. *Metalliferous mines*—10 hours (under 16).	10 hours.	None.	None.
(3) *Overtime.*	An allowance for the factory up to 6 hours in a week, 25 weeks in a year, and 100 hours in a year. Where on an individual basis, up to 50 hours in a year. Working hours, including overtime, not to exceed 10 hours in a day; period of employment in a day not to exceed 12 hours.	Up to 6 hours in a week and 50 in a year for the individual: up to 12 weeks in a year for the business.	A coal miner may remain below ground after the end of a shift to render assistance in an accident, or to deal with any apprehended danger, emergency or work uncompleted through unforeseen circumstances.	None.	16 *and over*—Up to 12 hours in a week and 50 in a year for the individual: up to 6 weeks in a year for a particular shop. (*Exceptions:* (1) In the catering trade overtime is permitted in any week when averaging is not in force, but the maximum overtime in a fortnight is 8 hours, and the maximum of 50 hours in a year applies.	16 *and over*—Up to 6 hours in a week and 50 in a year for the individual: up to 12 weeks in a year for a particular business.

	(*Exceptions:* (1) Lads employed on repair work. (2) Juveniles of 16 and over in factories handling fish, fruit, vegetables and milk).				(2) In garages overtime is permitted in any week, but the maximum overtime in any period of 3 weeks is 12 hours, and the maximum of 50 hours in a year applies.)	(*Exceptions:* The number of hours in a week, or weeks in a year, may be increased for particular classes of undertaking by ministerial regulation.)
(4) *Maximum period, from start to finish, of employment in a day.*	11 hours. (*Exceptions:* (1) 12 hours in 5-day week factories. (2) Lads employed in repair work. (3) Juveniles of 16 and over in factories handling fish, fruit, vegetables and milk).	None, but restrictions may be imposed by regulations. (No regulations have been made).	*Above ground—under* 16—12 hours minimum interval between two periods of work. Also at coal mines youths of 16 and over, if employed at night, must have interval ordinarily of 15 hours and never less than 13 hours between two periods of work.	12 hours (*under* 16) or 11 hours (16 *and over*) minimum interval between two periods of work.	Regulations may be made for preventing unreasonable division of working hours into spells. (No regulations have been made).	Restrictions may be imposed by regulations. (No regulations have been made).
(5) *Maximum spell.*	4½ hours, or 5 hours if a rest pause of 10 minutes is allowed in the spell. (*Exceptions:* (1) *Lads of* 16 *and over*—5 hours morning spell if employed with men and necessary to enable men to carry on work. (2) Lads employed in repair work. (3) *Juveniles of* 16 *and over*—In factories handling fish, fruit, vegetables and milk).	5 hours.	*Above ground: Boys* 16 *and over* —no restriction. *Boys under* 16 *and all females*—5 hours. *Below ground* (*no females*): No restriction.	*Boys* 16 *and over*—no restriction. *Boys under* 16 *and all females* — 5 hours.	5 hours. (*Exceptions:* (1) 5½ hours on the weekly half-holiday. (2) In the catering trade, 6 hours if Shops Act, 1913, is adopted).	5 hours.
(6) *Minimum interval between spells.*	30 minutes. (*Exceptions:* (1) Lads employed in repair work. (2) *Juveniles of 16 and over*—In factories handling fish, fruit, vegetables and milk).	30 minutes: but if employed from 11.30 a.m. to 2.30 p.m., 45 minutes between these hours.	*Above ground: Boys* 16 *and over* —No restriction. *Boys under* 16 *and all females*—30 minutes, and 1½ hours in a day if employed for more than 8 hours. *Below ground* (*no females*)— No restriction.	*Boys* 16 *and over*— No restriction. *Boys under* 16 *and all females*—30 minutes, and 1½ hours in a day if employed for more than 8 hours.	20 minutes; but, if employed from 11.30 a.m. to 2.30 p.m., 45 minutes between these hours (or 1 hour if the meal is not taken in the same or an attached building); and, if employed from 4 p.m. to 7 p.m., 30 minutes between these hours. (*Exceptions:* (1) Family businesses. (2) In the catering trade (if Shops Act, 1913, is adopted) no time prescribed for meals, but intervals must amount to not less than 2 hours (45 minutes on the half-holiday). (3) In the catering trade, and in any shop on market day or fair day, the dinner interval may end not earlier than 11.30 a.m. or begin not later than 2.30 p.m.).	30 minutes; but, if employed from 11.30 a.m. to 2.30 p.m., 45 minutes between these hours.

APPENDIX B—*continued*

Nature of Restriction	In Factories	Outside at Factories, and in connection with Docks or Warehouses	At Mines	At Quarries	In Shops	In Employments governed by the Young Persons (Employment) Act, 1938
(7) *Night interval: earliest starting and latest finishing times.*	11 hours. Earliest: 7 a.m. (6 a.m. in some cases). Latest: *16 and over*—8 p.m. *Under 16*—6 p.m. (*Exceptions:* (1) Continuous shifts allowed for youths of 16 and over in some industries. (2) Where day-shift system authorised, for 16 and over—Earliest: 6 a.m. Latest: 10 p.m.).	11 hours. Earliest: 6 a.m. Latest: 10 p.m.	*At Coal Mines—* *Above ground:* *Boys* 16 *and over*—Earliest: 5 a.m. Latest: 10 p.m. *Boys under* 16 *and all females*—Earliest: 5 a.m. Latest: 9 p.m. *Below ground* (*no females*): 16 *and over*—No restriction. *Under* 16—7 hours between 10 p.m. and 6 a.m. *At Metalliferous Mines*—As above, but in addition an 11-hour interval.	Normally no night work is undertaken.	11 hours. Earliest: 6 a.m. Latest: 10 p.m. (*Exceptions:* 16 *and over*—employment (1) until midnight in serving meals. (2) until the end of the performance in theatres and cinemas. (3) from 5 a.m. in connection with collection or delivery of milk, bread and newspapers).	11 hours. Earliest: 6 a.m. Latest: 10 p.m.
(8) *Weekly half-holiday.*	Saturday (or substitute short day). From 1 p.m. (*Exceptions:* (1) From 2 p.m. where day-shift system authorised. (2) Lads employed in repair work. (3) Juveniles of 16 and over in factories handling fish, fruit, vegetables and milk).	From 1 p.m.	*Above ground:* *Boys* 16 *and over*—No provision. *Boys under* 16 *and all females*—Saturday. From 2 p.m. *Below ground* (*no females*): No provision.	*Boys* 16 *and over*—No provision. *Boys under* 16 *and all females*—Saturday. From 2 p.m.	From 1.30 p.m. (*Exceptions:* (1) during the week preceding a Bank Holiday. (2) if employment is for less than 25 hours per week. (3) if employment is in a theatre and does not begin before noon on any day in the week. (4) in the catering trade where alternative provisions are adopted under the Shops Act, 1913).	From 1 p.m.

(9) *Weekly rest day.*	Sunday (or Saturday in Jewish factories). (*Exceptions:* (1) Lads employed in repair work. (2) Juveniles of 16 and over in factories handling milk).	Sunday (or Saturday in Jewish factories).	*Above ground:* *Boys* 16 *and over*—No provision. *Boys under* 16 *and all females*—Sunday. *Below ground:* No provision.	*Boys under* 16—Sunday.	In England and Wales only, no employment on Sunday about the business of a shop which is open for the serving of customers, unless (*a*) if the juvenile is so employed for more than 4 hours he receives a whole holiday in lieu during the week before or after the Sunday in question, and is not employed on more than 2 other Sundays in the month. (*b*) if he is so employed for less than 4 hours he receives a half-holiday in lieu during the week before or after the Sunday in question. (*c*) the shop is a catering establishment where the Shops Act, 1913, has been adopted, in which case 26 whole holidays must be given on Sundays in every year, in such a way that one of every three consecutive Sundays is a whole holiday.	No employment on Sunday unless a whole holiday in lieu is granted in the week before or after the Sunday in question.

APPENDIX C

RECOMMENDED RESTRICTIONS ON THE HOURS OF EMPLOYMENT OF JUVENILES

(*Note.*—None of these restrictions is proposed for agriculture, forestry, fishing or shipping, private domestic service or outworking)

Nature of Restriction	Normal Restriction	Exceptions	
(1) *Maximum Working Hours in a Week.*	45 hours (exclusive of intervals for meals and rest).	*In factories, for young persons of 16 and over only (except in relation to repairing work).*	(*a*) Up to 48 hours, under ministerial authorisation, where a factory's continued operation would be prejudiced by a 45-hour week, and three conditions are satisfied. (*b*) Up to 52 hours, 135 in three consecutive weeks, in specified industries and continuous processes where shift work is undertaken. (*c*) For lads employed on repairing work and for juveniles of 16 and over in factories handling fish, fruit, vegetables and milk, subject to conditions prescribed by regulations.
		At mines.	48 hours.
		In quarries, building and civil engineering.	46½ hours for the lighter months, 44 for at least two months when the light is shortest.
		In shops.	During Christmas week and the week before or after averaging to be allowed, within maximum of 48 hours for one week and 90 in both.
		In any particular occupation at present unregulated.	Exemption from the maximum of 45 hours, if the minister is satisfied that special circumstances justify it.
(2) *Maximum Working Hours in a Day.*	9 hours (exclusive of intervals for meals and rest).	*In factories.*	In conformity with (*a*) and (*c*) above.
(3) *Additional Hours* ...	50 hours in any year; and 6 hours in any week, for not more than 25 weeks in any year.	*In factories.*	Where not on an individual basis, an allowance for the factory of 100 hours in a year. Working hours, including additional hours, not to exceed 10 hours in a day. But no restrictions, except those made by regulations, for lads employed on repair work or juveniles over 16 in factories handling fish, fruit, vegetables and milk.

(4) *Maximum Period, from Start to Finish, of Employment in a Day.*	11 hours in factories. Elsewhere no statutory maximum, but regulation-making powers.	*In factories.*	For lads employed in repair or maintenance work.
(5) and (6) *Spells of Work and Intervals.*	Maximum spell of $4\frac{1}{2}$ hours, or 5 hours including a rest pause of at least 10 minutes.	*In factories.*	A 5-hour morning spell may be worked along with adults where it is necessary in order to enable work to continue, but regulations should prescribe individual breaks for refreshment.
		In shops.	No restrictions for exclusively family businesses.
	30 minutes minimum interval; but 45 minutes minimum interval, where the hours of work include 11.30 a.m. to 2.30 p.m., between these hours.	*In factories, mines and quarries, and analogous occupations at present unregulated.*	30 minutes minimum interval.
		In shops.	One hour for dinner when the meal is not taken on the premises.
(7) *Night Interval: Earliest Starting and Latest Finishing Times.*	In industrial occupations, minimum night interval of 12 hours, to include for juveniles under 16 the period between 10 p.m. and 5 a.m., and for juveniles of 16 and over at least 7 hours between 10 p.m. and 5 a.m.		
	In factories earliest starting time of 7 a.m. and latest finishing time of 8 p.m. (16 and over) or 6 p.m. (under 16).	*In factories.*	(*a*) where day-shifts are worked, earliest starting time of 6 a.m. and latest finishing time of 10 p.m. for juveniles of 16 and over, under Ministerial authorisation. (*b*) in continuous processes, for juveniles of 16 and over, continuous day and night shifts to be allowed.
	In mines above ground, earliest starting time of 5 a.m. and latest finishing time of 9 p.m. (boys under 16 and all girls) or 10 p.m. (lads of 16 and over); and underground (for boys under 16) 7 consecutive hours interval between 10 p.m. and 6 a.m.		
	In non-industrial occupations, minimum night interval of 12 hours, including the period between 10 p.m. and 6 a.m.		(*a*) *In particular occupations or areas*, in exceptional circumstances, earliest starting time of 7 a.m. and latest finishing time of 11 p.m. (*b*) *Exemption by temporary individual licence* for juveniles of 16 and over where special needs of vocational training so require, subject to minimum rest period of 11 hours; and for all young persons in entertainments or film-making, provided they are not employed after midnight, have a minimum rest period of 14 hours, and are specially safeguarded as to health, morals and education.

APPENDIX C—*continued*

Nature of Restriction	Normal Restriction	Exceptions
(8) *Weekly Half-Holiday* ...	One half-holiday in each week, beginning at 1 p.m., for juveniles employed for more than 25 hours per week.	*In theatres, cinemas and other occupations* where the young person does not start earlier than 12 noon on any day in the week. *At mines* half-holiday to begin at 2 p.m. *In shops* half-holiday to begin at 1.30 p.m.
(9) *Weekly Rest Day* ...	One rest day in each week—the day to be Sunday in factories (except on maintenance work and at establishments handling milk products), mines and quarries, street trading, and also elsewhere unless a whole holiday is given, in lieu of any Sunday work, during the week immediately preceding or following (Jewish establishments to be permitted to substitute another day for Sunday.)	
(10) *On work in conjunction with attendance at county or junior colleges.*	No employment before a morning session at college. No employment after an afternoon session at college. No college attendance on a day (midnight to midnight) on which a night shift begins or ends.	
(11) *On Street Trading* ...	No employment under 17. No Sunday employment	Employment by parents in particular areas under local by-laws. If not employed on Saturdays or on Sunday afternoons.
(12) *Prohibition*	No employment in a bar where intoxicating liquor is sold.	

APPENDIX D

SOURCES OF EVIDENCE

(* Memoranda only. † Oral evidence only.)

Agriculture and Fisheries—Ministry of
Agriculture for Scotland—Department of
*Association of Circus Proprietors of Great Britain
*Association of Directors of Education in Scotland
Association of Education Committees
*Association of Education Officers
Association of Municipal Corporations
*Association of Retail Chambers of Trade

*Birkenhead Corporation
British Employers' Confederation
British Hotels and Restaurants Association
British Medical Association

Caterers' Association of Great Britain
*Cemeteries Association
Civil Service National Whitley Council (Staff Side)
Clerical and Administrative Workers' Union
*Colne—Borough of
Committee on Wage-Earning Children
County Councils' Association

*Edinburgh Corporation
Edinburgh Juvenile Employment Committee
Education—Ministry of
*Educational Institute of Scotland
*Electric Lamp Manufacturers' Association

Factories—Chief Inspector of
Federation of Civil Engineering Contractors
*Federation of English and Welsh Inshore Fishermen
*Food—Ministry of
Fuel and Power—Ministry of

*Girl Guides Association (Scottish Headquarters)
*Glasgow Corporation

Home Office

*Incorporated Guild of Hairdressers, Wigmakers and Perfumers

Labour and National Service—Ministry of
London—Corporation of
London County Council
London Transport Executive

Metropolitan Boroughs Standing Joint Committee
*Middlesex County Council Education Committee
†Milk Bars Association
Multiple Shops Federation

National Amalgamated Union of Shop Assistants, Warehousemen and Clerks
National Association of Creamery Proprietors and Wholesale Dairymen
National Association of Local Government Officers
National Association of Shops Acts Inspectors
National Association of Women Civil Servants

*National Chamber of Trade
National Coal Board
†National Consultative Council of the Retail Liquor Trade
National Council of Women of Great Britain
National Farmers' Union
National Farmers' Union of Scotland
†National Federation of Building Trade Employers
National Federation of Grocers' and Provision Dealers' Associations
National Federation of Professional Workers
*National Greyhound Racing Society of Great Britain
National Institute of Houseworkers
*National Union of Distributive and Allied Workers
National Union of Domestic Workers
National Union of Teachers
*National Union of Townswomen's Guilds

*Passenger Vehicle Operators' Association
*Provincial Greyhound Tracks Central Office
*Public Transport Association

Railway Executive

Sanitary Inspectors' Association
Sanitary Inspectors' Association of Scotland
Scottish Education Department
Scottish Grocery Trade Employers' Consultative Committee
Scottish Home Department
Scottish Licensed Trade Defence Association
Scottish National Building Trades Federation (Employers)
Society of Medical Officers of Health (Scottish Branch)

Trades Union Congress
Transport—Ministry of
Treasury

Union of Shop, Distributive and Allied Workers
Urban District Councils Association

Works—Ministry of

Young Christian Workers Movement
*Young Women's Christian Association

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